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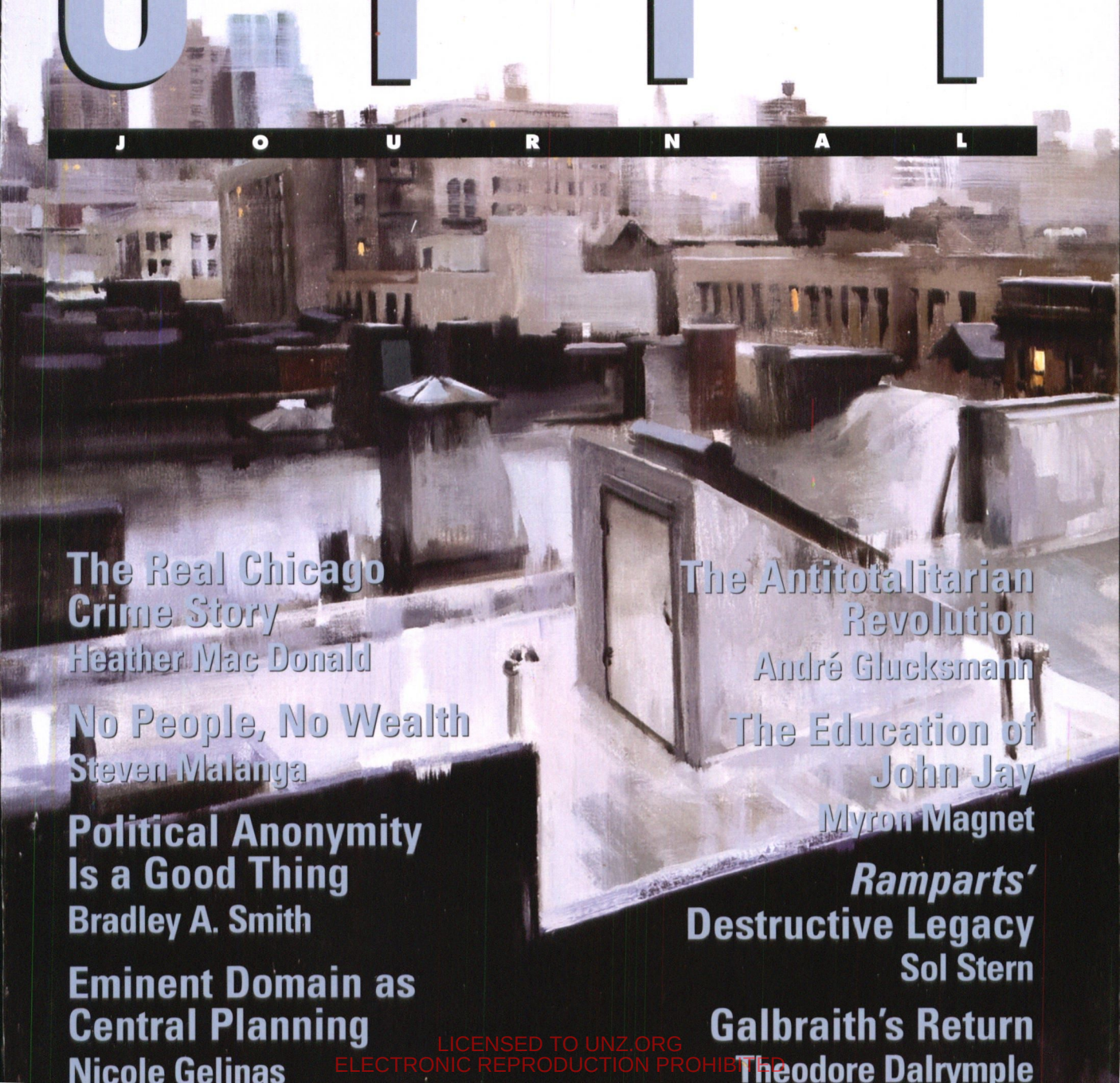

The Real Chicago Crime Story
Heather Mac Donald

No People, No Wealth
Steven Malanga

Political Anonymity Is a Good Thing
Bradley A. Smith

Eminent Domain as Central Planning
Nicole Gelinas

The Antitotalitarian Revolution
André Glucksmann

The Education of John Jay
Myron Magnet

Ramparts' Destructive Legacy
Sol Stern

Galbraith's Return
Theodore Dalrymple

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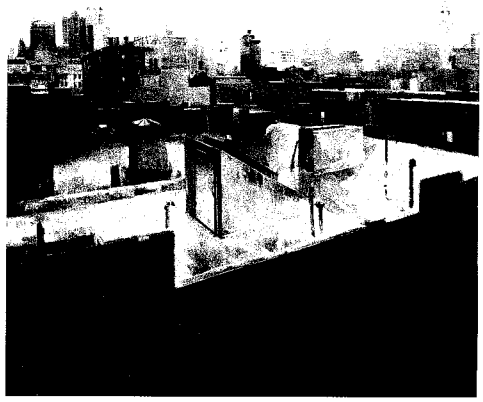

On the cover: *Lower East Side Rooftops*, by Kim Cogan (oil on canvas, 2009). Based in San Francisco, Cogan has participated in numerous solo and group exhibitions in the United States, and his work is collected internationally. He is represented by Gallery Henoch in New York City. Courtesy of Gallery Henoch.

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ast September, a cell-phone video captured a scene that horrified the nation: Chicago teens, some swinging thick railroad ties, beating to death 16-year-old Derrion Albert on a bleak thoroughfare in the Roseland neighborhood on the city's notorious South Side. It was an extreme example of the youth violence that pervades Chicago's poor black neighborhoods and that no one, including the Chicago Police Department, seems able to bring under control. In "Chicago's Real Crime Story" (page 16), Heather Mac Donald looks at Chicago's long history of black youth violence and at the cluelessness of the city's influential "community organizers"—including a young Barack Obama, who worked in Roseland 25 years ago—about its primary cause: the disintegrating black family. Chicago's black youths, around 80 percent of whom are born to single mothers, grow up in a world where there's zero expectation that males should take care of their kids, let alone marry the mothers. The city's crime plague, Mac Donald argues, is one consequence of this dysfunctional culture, which fails to civilize men through marriage. Worse, Chicago may be witnessing the next stage in black family breakdown: mothers are starting to run off, too, leaving kids with no parents other than the state.

The Los Angeles–based Jesse Lee Peterson tackles that crisis head-on with his religiously inspired message of individual responsibility, family, and personal empowerment. As Andrew Klavan observes on page 68 in his fascinating portrait of the controversial African-American activist and broadcaster, "A Man Alone," it's a message that holds out far more hope for poor minority communities than the dependency-creating, Jesse Jackson–style, blame-the-system-as-racist approach that has dominated the last four decades of efforts to help blacks join the American mainstream.

Steven Malanga reports on another demographic shift with big implications, this one global: tumbling fertility rates. As nations become more urbanized and wealthy, their citizens are having fewer kids. In fact, fertility rates in the developed world have fallen so far that parents aren't even replacing themselves, leading to population implosions instead of explosions. This change, Malanga argues in "Our Vanishing Ultimate Resource" (page 29), brings with it extraordinary challenges, among them economic sluggishness, as "birth dearths" shrink labor pools and give rise to graying populations that are more risk-averse, less creative, and less inclined to buy things.

Among industrialized nations, Malanga shows, America is alone in resisting the trend, leading to predictions of vigorous U.S. economic growth over the next half-century. The reason Americans seem more inclined to have babies? It may be the U.S.'s dynamic brand of free-market capitalism, which (despite recent difficulties) gives families lots of life-choice options, generates prosperity, and builds long-term optimism, so that having larger families becomes more feasible and attractive. The new regulations, taxes, and entitlements that the Obama Democrats want to impose on the U.S. economy, though, could dampen its vital force.

New York State's economy, by contrast, already isn't vital, and a chief reason is burdensome taxes. Because of the complicated way federal and state taxes crisscross, New York's income levies will soon reach their highest effective rate ever for top earners, E. J. McMahon and Josh Barro document in "Empire of Excess" (page 62). That puts New York at a growing disadvantage in competing with states like Florida, which have no personal income tax. More of New York's most productive citizens could be rushing for the exits.

Myron Magnet continues his remarkable series on the Founding Fathers and their homes on page 90 with "The Education of John Jay," a tour de force that should be on every college student's reading list. Jay is one of the most fascinating yet least known of the Founders, and Magnet brings him vividly to life, drawing extensively on period documents, especially the correspondence between this wise "Christian stoic" and his wife, Sally, a Jane Austen heroine come to life. As Magnet shows, Jay's prudent diplomacy helped forge the nation, and his life of duty offers lessons to us all.

—Brian C. Anderson

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Soundings

The Surge Comes to Salinas

A plan to apply counterinsurgency doctrine to gang violence

Troy Senik

Communities beset by seemingly unbreakable cycles of violence; law enforcement overmatched to the point of essentially ceding sovereignty to an organized and heavily armed resistance; citizens so intimidated by thugs that they won't report them to authorities, for fear of retribution. Eight years into the War on Terror, this scenario sounds familiar. But its location isn't the Sunni Triangle in 2006 or southern Afghanistan today; it's a farm town on California's Central Coast.

In Salinas—a predominantly Hispanic, blue-collar community best known for producing John Steinbeck—violence has spiraled out of control. With a population of under 150,000, the city's homicide rate has rocketed to three times that of Los Angeles, largely the result of fighting between the rival Norteños and Sureños gangs. With murders at an all-time high in 2009 (29 as of late December), residents are understandably frightened. When the police go searching for answers in the aftermath of a gang killing, self-interest prevails. Citizens more confident in the gangs' ability to retaliate than in the cops' ability to protect them stay mum.

Salinas's mayor, Dennis Donohue, and his new police chief, Louis Fetherolf, want to reverse this vicious cycle. They think that they may have found a solution 7,500 miles to the east and 17 miles to the west. Those are the distances to Iraq, where General David Petraeus's counterinsurgency strategy, generally known as "the surge," saved a nearly failed state from implosion; and to the city of Monterey, where the Naval Postgraduate School (NPS) hosts students and faculty eager to apply the surge's lessons to Salinas. A team of NPS volunteers is combing through the city's law enforcement data in granular detail. Once the work is complete, they plan to recommend ways that Salinas can apply counterinsurgency strategy to its pervasive violence.

If the application of military strategy to domestic law enforcement leaves you feeling queasy, you're not alone. "Be careful what you wish for," cautioned Nathan Hodge, writing on Danger Room, the national-security blog of *Wired*. "Counterinsurgency is still a tool for dealing with political emergencies, and it involves a heavy degree of population control. And at home, it's a bridge too far." Warning against the dangers of checkpoint operations and "cordon and knock" procedures (a genteel version of door-to-door searches), Hodge approvingly quoted Lieutenant John P. Sullivan of the Los Angeles County Sheriff's Department: "The liberty issues are vital. What gives you legitimacy in the long haul is preserving liberty while providing security. If you don't end up doing it right, it ends up enhancing the legitimacy of the gang."

Sullivan is right—up to a point. The freedom-security balance is the *sine qua non* of free societies under conventional circumstances. But it borders on irrelevant in the middle of chaos. As in pre-Petraeus Iraq, Salinas's worst neighborhoods are hotbeds of violent anarchy—Hobbesian atmospheres where talk of ordered liberty is academic. While Sullivan is correct to note that the tactics applied in the Iraqi counterinsurgency campaign shouldn't be grafted onto the domestic front without alteration, his experience in Los Angeles should steer him away from a wholesale rejection. For the City of Angels may be California's best example of why the lessons of counterinsurgency deserve a broader hearing.

On taking the reins of the Los Angeles Police Department in 2002, Chief William Bratton began implementing many of the same policies that he had used to transform New York City from a crime-ridden cesspool into America's safest large city. By the time Bratton departed L.A. in 2009, he had achieved a similar renaissance. Some of his tactics show a surprising resemblance to counterinsurgency fundamentals. Through community policing, Bratton emphasized the need for a permanent, visible police presence, just as Petraeus realized that establishing enduring safety begins with convincing local populations of the sincerity and efficacy of security forces. Likewise, the use of software to analyze security threats and predict future behavior—a key tactic in Iraq—is essentially an application of Compstat, the method for analyzing crime through precise

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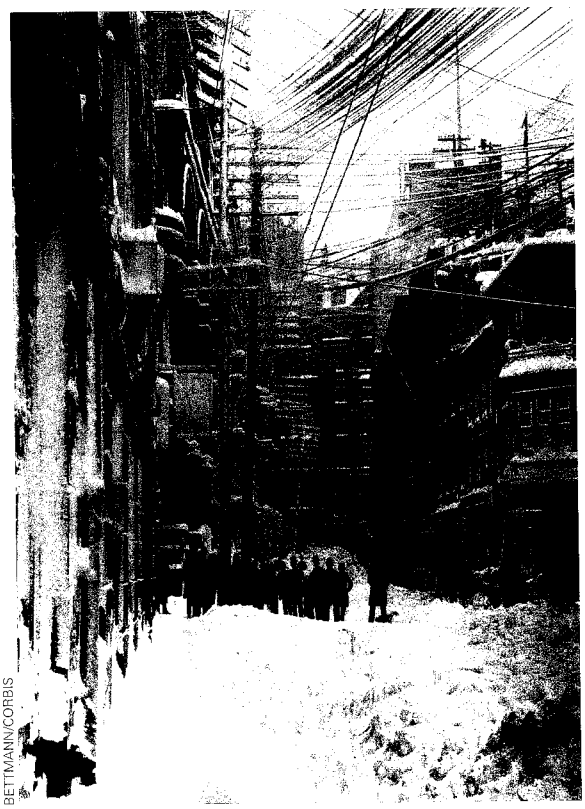
metrics that Bratton used to great effect in both New York and Los Angeles.

According to a recent profile of the Salinas project in the *Washington Post*, the new strategy's NPS architects hope that, if successful, it can be replicated in similarly ravaged communities. Violence can reach gruesome extremes in gang-heavy pockets like Compton, Fresno, Oakland, and Santa Ana. Local governments have tried everything from filing injunctions to prevent gangs from congregating in public to sponsoring after-school programs to keep at-risk youth off the streets. Results have been mixed, at best.

With gangs predominating in California neighborhoods where civic bonds are usually weak—thanks to language barriers, ethnic sectarianism, and abysmal public education—law and order become the last links to meaningful citizenship. And with the nation's highest rate of criminal recidivism, California can ill afford to lose young residents of urban neighborhoods to lawlessness en masse. Some people claim that preventing this fate is an impossible task—but then, that's what they told Petraeus and Bratton.



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The Grasping Hand

The modern democratic state pillages its productive citizens.

Peter Sloterdijk

To assess the unprecedented scale that the modern democratic state has attained in Europe, it is useful to recall the historical kinship between two movements that emerged at its birth: classical liberalism and anarchism. Both were motivated by the mistaken hypothesis that the world was heading toward an era of the weakening of the state. While liberalism wanted a minimal state that would guide citizens almost imperceptibly, leaving them to go about their business in peace, anarchism called for the total death of the state. Behind these two movements was a hope typical of the European nineteenth century: that man's plunder of man would soon come to an end. In the first case, this would result from the elimination of exploitation by unproductive classes, that is, the nobility and the clergy. In the second case, the key was to reorganize traditional social classes into little groups that would consume what they produced. But the political history of the twentieth century, and not just in its totalitarian extremes, proved unkind to both classical liberalism and anarchism. The modern democratic state gradually transformed into the debtor state, within the space of a century metastasizing into a colossal monster—one that breathes and spits out money.

This metamorphosis has resulted, above all, from a prodigious enlargement of the tax base—most notably, with the introduction of the progressive income tax. This tax is the functional equivalent of socialist expropriation. It offers the remarkable advantage of being annually renewable—at least, in the case of those it has not bled dry the previous year. (To appreciate the current tolerance of well-off citizens, recall that when the very first income tax was levied in England, at the rate of 5 percent, Queen Victoria worried that it might have exceeded acceptable

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limits. Since that day, we have become accustomed to the fact that a handful of productive citizens provide more than half of national income-tax revenues.)

When this levy is combined with a long list of other fees and taxes, which target consumers most of all, this is the surprising result: each year, modern states claim half the economic proceeds of their productive classes and pass them on to tax collectors, and yet these productive classes do not attempt to remedy their situation with the most obvious reaction: an antitax civil rebellion. This submissiveness is a political tour de force that would have made a king's finance minister swoon.

With these considerations in mind, we can see that the question that many European observers are asking during the current economic crisis—"Does capitalism have a future?"—is the wrong one. In fact, we do not live in a capitalist system but under a form of semi-socialism that Europeans tactfully refer to as a "social market economy." The grasping hand of government releases its takings mainly for the ostensible public interest, funding Sisyphean tasks in the name of "social justice."

Thus, the direct and selfish exploitation of a feudal era has been transformed in the modern age into a juridically constrained and almost disinterested state kleptocracy. Today, a finance minister is a Robin Hood who has sworn a constitutional oath. The capacity that characterizes the Treasury, to seize with a perfectly clear conscience, is justified in theory as well as in practice by the state's undeniable utility in maintaining social peace—not to mention all the other benefits it hands out. (In all this, corruption remains a limited factor. To test this statement, it suffices to think of the situation in post-Communist Russia, where an ordinary party man like Vladimir Putin has been able, in just a few years as head of state, to amass a personal fortune of more than $20 billion.) Free-market observers of this kleptocratic monster do well to call attention to its dangers: overregulation, which impedes entrepreneurial energy; overtaxation, which punishes success; and excessive debt, the result of budgetary rigor giving way to speculative frivolity.

Free-market authors have also shown how the current situation turns the traditional meaning of exploitation upside down. In an earlier day, the rich lived at the expense of the poor, directly and unequivocally; in a modern economy, unproductive citizens increasingly live at the expense of productive ones—though in an equivocal way, since they are told, and believe, that they are disadvantaged and deserve more still. Today, in fact, a good half of the population of every modern nation is made up of people with little or no income, who are exempt from taxes and live, to a large extent, off the other half of the population, which pays taxes. If such a situation were to be radicalized, it could give rise to massive social conflict. The eminently plausible free-market thesis of exploitation by the unproductive would then have prevailed over the much less promising socialist thesis of the exploitation of labor by capital. This reversal would imply the coming of a post-democratic age.

At present, the main danger to the future of the system involves the growing indebtedness of states intoxicated by Keynesianism. Discreetly and ineluctably, we are heading toward a situation in which debtors will once again dispossess

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their creditors—as has so often happened in the history of taxation, from the era of the pharaohs to the monetary reforms of the twentieth century. What is new is the gargantuan scale of public debt. Mortgaging, insolvency, monetary reform, or inflation—no matter, the next great expropriations are under way. Today, the state's grasping hand even reaches into the pockets of generations unborn. We have already written the title of the next chapter of our history: "The pillage of the future by the present."

As Goes New Jersey . . .

New governor Chris Christie could have national influence.

Steven Malanga

Pundits have debated the national significance of Republican Chris Christie's gubernatorial victory in heavily Democratic New Jersey last November. If the past is any guide, though, the importance of the win will depend on how the new governor actually governs. Back in 1993, the last time that the Garden State kicked out a Democratic governor in an off-election year, what the Republican winner, Christine Todd Whitman, did early in her tenure helped drive a widespread Republican surge in national and state elections. Christie could have the same impact on elections far from New Jersey if he delivers on his campaign promises to reform government, wrestle spending under control, and reduce taxes.

Like Christie, Whitman ran against an unpopular Democratic governor (Jim Florio) who had raised taxes significantly. But Whitman, an inexperienced candidate, was running a mediocre campaign and languishing 20 points behind in polls. Then, prodded by advisors Steve Forbes and Larry Kudlow, she pledged to slash income taxes. Newspaper editorialists derided the move as cynical politics, and Florio's political strategist, James Carville, promised that his candidate would crush Whitman—and bury supply-side economics in the process. Carville knew that the stakes were high: his most prominent client, President Bill Clinton, had increased taxes earlier that year, raising worries of a backlash against Democrats in the 1994 midterm congressional elections.

Jersey voters, in an ornery mood, embraced Whitman's call for tax cuts and gave her an improbable victory. She followed through on her promise and cut taxes by $122 million in the spring of 1994, just as the year's many campaigns for national and state offices were getting under way. The reform unleashed a wave of tax-cutting pledges from candidates across the country, sending some Democrats scrambling to defend themselves. Republican gubernatorial candidates like South Carolina's David Beasley and Oklahoma's Frank Keating rode tax-cutting promises to victory. Even in solidly Democratic Maryland, Republican Ellen Sauerbrey shot up in the polls after announcing a Whitman-like fiscal agenda. Though her opponent, heavily favored Democrat Parris Glendening, enjoyed a two-to-one edge in voters registered with his party, he managed a mere 6,187-vote victory out of 1.36 million ballots cast.

Perhaps more importantly, Whitman's tax reductions persuaded a core of national Republicans hammering out an agenda for the 1994 congressional elections to make tax cuts part of their Contract with America, which became a central document in the successful GOP campaign to win control of the House of Representatives that year. Whitman's early actions as governor even put pressure on moderate Republicans uncomfortable with her fiscal agenda, like New York gubernatorial candidate George Pataki. In 1994, the state's Republican Party had nominated Pataki—a moderate state senator without a distinguished fiscal record—to challenge incumbent governor Mario Cuomo. Pataki was heavily criticized even within his own party for initially failing to articulate an economic plan. Six weeks before the election, encouraged by big GOP donors impressed by Whitman's success, Pataki fashioned a tax-cutting agenda even bolder than Whitman's. He easily defeated Cuomo.

Whitman's star never shone so bright again. As Jersey's economy recovered and tax revenues poured into the state's coffers, she let state spending drift upward. She failed to stop both Republicans and Democrats as they showered state-employee unions with rich pension and

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benefits deals, and she agreed to use fiscal gimmicks to pay for them. Over time, she became more interested in social issues than in fiscal discipline.

Democrats recaptured the state's governorship and legislature in 2001. In his scandal-shortened three-year tenure in the governor's office, Democrat James McGreevey raised 33 different taxes. Then Jon Corzine, who became governor in 2006, instituted another $1.1 billion tax increase soon after taking office and followed it with a host of new levies last year. The state has endured an almost perpetual budget and economic crisis since 2002.

Christie has vowed to cut taxes and spending and especially to reform overly generous public-employee pensions. He is sure to face a challenge from the state's muscular public unions, which fought fiercely against his candidacy. But Christie clearly has public sentiment on his side. Three weeks after the election, in a Quinnipiac poll asking how the state should balance its budget, 68 percent of New Jersey residents said that they'd rather cut services than raise taxes, 61 percent backed public-employee layoffs, and fully three-quarters supported a wage freeze for state workers.

Most significantly, Jersey's problems—high taxes and budget woes enabled by rich public-sector pay and benefits—are also faced by states with wide-open gubernatorial elections in 2010, especially California and New York. If Christie proves a committed and capable reformer right out of the gate, he will almost certainly influence the gubernatorial debate in those blue states and, in the process, help Republicans reestablish the credibility on fiscal issues that they squandered over the last decade in Washington.

The Wrong Ban

Switzerland's misguided prohibition of minarets

Claire Berlinski

My qualifications as an alarmist about the Islamization of Europe are second to none, according to my critics. But even I cannot find a good legal, political, or moral argument for Swiss voters' decision, in a November referendum, to ban the building of minarets. Legally, it introduces a contradiction into the Swiss constitution, which is quite clear on this point: "Nobody may be discriminated against, namely for his or her . . . religious, philosophical, or political convictions." If a citizen has a right to erect a cross, in other words, his fellow citizen must have the right to erect a minaret. This isn't a minor technical point. The antidiscrimination article is not in the Swiss constitution arbitrarily. We in the West do not believe in banning religious symbols; that's one of the key reasons we consider our societies superior to those that do. How can anyone in Switzerland be taken seriously now if he criticizes the Saudis for refusing to permit the building of churches?

Strategically, too, the ban is stupid. For one thing, it hands moral and rhetorical ammunition to useful idiots who defend Islamic extremists. (That it also hands ammunition to the Islamic extremists themselves goes without saying, but is beside the point; they will hate the West in any event.) For another, you can win a battle with a political program, but you cannot win a battle with God. No one in history ever has.

Supporters of the ban have argued that the minaret is not a religious but a political symbol. Seriously? Just look at a minaret. Almost all world religions have given rise to a similar architectural impulse: the campanile, the church spire, the ziggurat, the pyramid, the pagoda, the stupa, the śikhara. It is a near-universal instinct of the faithful to build structures that reach heavenward. (One of the exceptions, by the way, is Wahhabism—one of the strains of politico-Islamic thought that should have Europeans most concerned—which scorns minarets as excessively ostentatious.)

Symbols of faith (or of political programs, for that matter) shouldn't be banned; a self-confident civilization can live quite happily with offensive political symbols in its midst, as tens of thousands of Che Guevara posters affixed to walls around American college campuses attest. What *should* be banned are the crimes committed by too many Muslims in Europe: forced marriage, honor killing, genital mutilation,

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Jew-killing, gay-bashing. Ban—obviously—terrorism and collusion with terrorist groups.

Swiss citizens concerned by the threat of Islamic radicalism might consider outlawing, too, their country's current status as a financial haven for terrorist groups and the regimes that sponsor them. Consider the case of *Rothstein et al.* v. *UBS AG*, a lawsuit against Switzerland's biggest bank filed last year in a New York federal court by victims of terrorist attacks against Israel. As the plaintiffs note, UBS has transferred tens of millions in hard currency to Iran since 1996, funding Hamas, Hezbollah, and Palestinian Islamic Jihad and leading to rocket attacks and suicide bombings in the Jewish state. Because UBS has offices in New York, the plaintiffs argue, this violates an American law prohibiting "any United States person from knowingly engaging in financial transactions with the government of a country designated as a state sponsor of terrorism."

Hamas also raises money through a network of phony charities in Europe, including the Association de Secours Palestinien (ASP), headquartered in Basel. Plaintiffs in another recently filed suit seek to hold the same Swiss bank, UBS, liable for the 2004 bombing of Bus Number 19 in Jerusalem, which killed 11 people and wounded 50. The bank, they note, transferred money from the ASP's Swiss account to the Tulkarem Zakat Committee in the West Bank, directly funding the attack. How about banning that practice?

Or consider American officials' recent visits to Switzerland to warn that the Iranian government is concealing its identity in deals with Swiss banks, the better to fund its uranium-enrichment program. The Swiss response? "Switzerland's banks will welcome any Iran transfers," Reuters reported last May, noting these remarks from the director of the Geneva Financial Center: "If you're talking in terms of a safe haven proposal, that's where Switzerland is very strong, stronger than Singapore or other places. We are a country that is non-judgmental." Where's Swiss intolerance when you really need it?

It gets worse: over the strongest objections of the United States, Elektrizitäts-Gesellschaft Laufenburg of Switzerland signed a $42 billion natural-gas supply deal with Iran. Still worse: to "entice Iran to rejoin the international community," the Swiss president confidentially suggested to her Iranian counterpart that Switzerland might hold a conference in which "various perceptions of the Holocaust" would be examined. There is a world of difference, I note, between tolerating offensive speech and holding government conferences to promote it. I'd suggest banning the latter.

There are 400,000 Muslims in Switzerland, most there legally. This is a fact; it will not change. The message to them should be clear: "We reject entirely aspects of Islamic faith and tradition incompatible with Western values. We will not help nutcase Islamist regimes acquire nuclear weapons and deny the Holocaust. If you want to worship God in a peaceful way, however, more power to you."

Europeans *should* be concerned about Islamic immigration and what it represents for the future of Europe. They *should* be saying that many immigrants have brought intolerable practices and values with them. But the practice of building minarets isn't one of them.

The Lessons of Kumon

A Japanese tutoring service gains converts in New York and nationwide.

Paulette Miniter

Westchester County's vaunted schools make it a desirable destination for New Yorkers fleeing the city in search of better public education for their kids. The county is home to many of the nation's highest-spending school districts (and some of its highest property taxes to pay for them, at a median $8,422 in 2007). So one might be surprised to discover that Westchester is where Kumon, a back-to-basics private tutoring franchise, launched its first North American base back in 1974—and that today, the county has 14 Kumon centers enrolling 2,200 students.

One of these, in the town of Ossining, sits among a hodgepodge of old storefronts with Spanish names. On a sunny Saturday morning, parents and children streamed in and out of the bland brick office building that Kumon shares with an insurance company. Sitting in the

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waiting room, John LaMagna of Cortlandt explained why he had brought his son to Kumon. "It helps with the basic fundamentals of reading and math, which kids just don't learn today," he said. "Multiplication tables up to 12—like I did as a kid." While Kumon doesn't track the effects of its tutoring services on school grades or test scores, Marlene Meyer, owner of the Ossining center, says that she knows it's working if parents keep coming back—and they do, paying tuition that ranges from $85 to $150 a month per child.

Kumon was founded in 1954 by Toru Kumon, a Japanese high school math teacher who developed study materials for his own struggling son. He believed that kids needed to have a strong foundation in the basics—phonetic awareness and those memorized multiplication tables, for starters—before they could excel at a more advanced level. The curriculum consists of more than 20 defined skill levels for math and reading. New students take a free placement test, get started at a skill level below their current abilities, and move up in small increments. In order for students to advance, they must achieve a perfect score on a test within a set amount of time. The idea is that a child who demonstrates both speed and accuracy shows full mastery of the material. If this sounds like a high bar, that's the point. A perfect score on a timed test not only demonstrates mastery; it also gives a child the confidence that goes with being an A-plus student.

Glenna Meeks's twins are enrolled in a Manhattan private school, but she takes them to a Kumon center in the city as well. "Who doesn't benefit from repetition?" she asks. "Through the repetition you get to see what it is they don't understand. This is old-school. I was taught that you do something a whole bunch of times and you get it." She also likes how Kumon charts her children's progress with the material, measuring how many errors they make and how long it takes to finish an assignment. "They have a mathematical model that tells them whether a child has a good grasp of the material, and they don't move them ahead until they reach it. In most places, they don't do anything like that."

Kumon stresses an old-fashioned aphorism: "Practice makes perfect." Students must practice

THE GRANGER COLLECTION

their lessons every day by completing worksheets at home. They visit the Kumon center once or twice a week, year-round. The company says that many parents have enrolled their children for the entire curriculum, which starts in preschool and lasts through high school.

Of course, plenty of people would deride Kumon as "rote learning," but parents seem to disagree, if the program's rapid growth is any measure: it now teaches more than 4 million students in 46 countries. Some 194,000 of those are in the United States, says Kumon—a doubling of its enrollment since 2001. Kumon's growth in New York has been particularly impressive, rising over 80 percent since 2001, to 12,485 students last year. Though franchisees own most of its centers, Kumon opened a company-owned center in Harlem in 2005 to reach disadvantaged students in an area where high operating costs made entrepreneurs wary. Within six months, more than 100 students had enrolled. A second Harlem center opened in 2008, as did a center on the Upper West Side.

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Last year, Kumon opened new centers in Chelsea, the West Village, and Gramercy Park, and it plans more for this year—surely good news for New Yorkers seeking supplements to their public schools.

The Nonprofit That Saved Central Park

Thirty years after its founding, the Conservancy inspires other cities.

Conrad Kiechel

It's a beautiful day in New York's Central Park, and Isabella Rossellini is whispering in my ear. "Beneath the leafy canopy, you are surrounded by miracles of nature," she says of the scene that confronts me: the hilly, arboreal midsection of the park known as the Ramble. "Countless creatures call the Ramble home." Rossellini's is just one of about 30 famous voices that I can summon to describe the park by punching two digits on my phone. This cellular companionship is provided by the Central Park Conservancy, the innovative organization that, since 1980, has spearheaded the park's spectacular rejuvenation.

I remember a very different Central Park when I was a college student in Manhattan in the 1970s. I even recall passing through the Ramble. Countless creatures called it home then, too—most of whom you wouldn't want to run into, day or night. The park's lawns were dust bowls; its trees' limbs were broken, their roots exposed; graffiti and inoperative lights marred the once-manicured landscape designed by Frederick Law Olmsted and Calvert Vaux. "It was so awful," recalls Elizabeth Barlow Rogers, an urban planner from Texas who became the park's administrator in 1979. "Central Park was under a unionized, civil-service workforce. They were demoralized. It would take three men to prune a tree because of the job titles."

The change began when Rogers formed an alliance with Parks Commissioner Gordon Davis. Davis started cutting deadwood in his department, a traditional dumping ground for patronage jobs. He also decentralized his department's operations—first down to the borough level, then to the park level. And Rogers championed the idea that private money and workers would play a key role in the park's restoration. The Central Park Conservancy was born in 1980—what current park administrator Douglas Blonsky calls a "revolutionary public/private partnership that would bring private monies and expertise, in partnership with the City of New York, to manage and restore Central Park."

In this partnership, the Conservancy manages Central Park under a contract with the city. It also raises money for the park. Over its 30-year existence, the Conservancy has overseen $500 million of investment, nearly 80 percent of it from private sources. But the Conservancy owes its success less to its knack for holding soirées for wealthy donors than to its ability to tap into New Yorkers' love for Central Park. Today, nearly 300 volunteers donate some 30,000 hours of labor each year. A generation ago, public employees ran the park; today, more than three-quarters of the workforce is private, either volunteers or Conservancy employees.

On a fall Saturday morning, I joined a volunteer group raking leaves near the Great Lawn. Since Abe Denowitz retired from his desk job 20 years ago, he and his wife have pitched in almost every weekend, "loving it more as the years go by," he says. "When I'm not working here, I'm loafing here." Abe lives only a few blocks away, but his fellow volunteers come from afar to rake, mulch, and clean: from Queens, from lower Manhattan, from New Jersey. Thanks to the Conservancy, Central Park is more beautiful and beloved than ever, with landmarks like Bethesda Fountain and Belvedere Castle helping attract more than 30 million visitors a year.

The Conservancy counts its success in dollars as well as foot traffic. The "Central Park Effect"—the Conservancy's estimate of the market value that the park adds to nearby residential and commercial property—is more than $17 billion, leading to $535 million per year in additional property taxes for the city. The Conservancy reckons that the exercise opportunities that the park provides are good for some $40 million in health-care savings annually. And the city government receives over $10 million in concession and permit fees from park businesses each year.

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From around the world, visitors flock to Blonsky's office to learn how the Conservancy's public/private partnership model can help them restore their own parks. Meg Cheever is president of the Pittsburgh Parks Conservancy, founded in 1996 by citizens concerned by the Steel City's deteriorating green spaces. So far, her group has raised $40 million and completed nine capital projects. "It was great for those of us in other cities to have a model," she says. "We could say, 'Hey, they brought Central Park back. If they could do it there, then we can do it in our town, too.'"

Strike the Set

A militant union smothers New York theater.

James Panero

You've got to hand it to New York's stagehands' union. Local One of the International Alliance of Theatrical Stage Employees (IATSE) has been collective-bargaining the life out of New York theater for over a century. Just how much does this union of carpenters, electricians, and prop masters bleed from city arts organizations? Carnegie Hall's tax returns for its 2007–08 season suggest an answer.

Dennis O'Connell, Carnegie's properties manager, has pulled down headline-making salaries from the concert hall for years. Between 2001 and 2003, for instance, his annual salary ranged between $309,000 and $344,000. But for the fiscal year ending in June 2008, O'Connell's earnings topped $530,000, making him Carnegie's highest-paid employee after its executive director, Clive Gillinson. Four other stagehands—carpenters James Csollany and Kenneth Beltrone and electricians John Goodson and John Cardinale—came in just behind, with salaries exceeding $400,000 apiece.

The Carnegie payouts received wide circulation in the New York media last fall after being reported in Bloomberg News. Yet the story only hints at a deeper truth well known in the New York arts community—one that affects Lincoln Center, all of Broadway, and numerous other venues. Because of the stranglehold of Local One–negotiated contracts, New York theater owners must all pay a sizable tribute each day just to keep the lights on. The pay rates that Local One secures for its stagehands far exceed the deals struck by other IATSE chapters nationwide, and many employees can pad their base pay with multiple surcharge triggers—overtime, missed meals, and tasks that mandate excessive staffing.

The money comes out of arts organizations' bottom lines, driving up production costs and ticket prices and inhibiting the evolution of New York theater. "Any programming that does not resemble programming 30 years ago is prohibitive," explains one theater manager. Pricey union contracts have "absolutely prohibited arts organizations from doing new things, particularly in difficult times." The contracts also prevent organizations from expanding their reach through advances in technology like webcasting and simulcasts in movie theaters. The Metropolitan Opera had to spend years at the bargaining table to launch its *Live in HD* program.

The union has established a closed network of unchecked power. (To get a sense of its might, just try to speak to someone on the record.) When Local One workers talk about their "brotherhood," some of them mean it literally: the chapter president, James J. Claffey, Jr., is the son of a Local One member and counts five brothers in the union. The leadership is predominantly Irish and male, and of the union's 3,000 members, only about 130 are women. Thanks to a tiered salary structure and a union-controlled promotion system, not all of the members benefit from the big payouts. One anonymous blogger who identifies himself as a rank-and-file member rails against what he calls the union's "Irish loop" system of preferment: "2500 victims plus the 350 to 500 plus relatives and loop boys (white, Irish, males)."

In better economic times, when theaters were flush, Local One's impositions were bad enough. Now, as arts organizations are failing in the recession, the union's compensation packages should receive the same scrutiny as the pay rates of top management. Keep in mind that the high salaries commanded by maestros and executive directors, which can exceed $1 million, were determined in an open marketplace. Could another prop master do O'Connell's job just as well, and for less pay?

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You can't fault O'Connell: he performs a service and enjoys his legally agreed-upon compensation for doing so. The true blame rests with an arts leadership too weak-willed to fight union demands. The former general manager of the Metropolitan Opera, Joe Volpe, showed that such fecklessness wasn't necessary. A former stagehand himself, with sons working as union extras, Volpe knew how to play tough against Local One. "At labor negotiations, for example, I can whoop and holler and scream and carry on like a wild man," he once said. "I'll shout that they can burn the place down but I'm never going to give in. And I'll walk out. And their attorney will come over to me later and tell me it was great—that my act really helped him because until then the union was stuck in its position and he couldn't get them to change."

While Local One protects the lucky few at the top of the stagehand food chain, many more New Yorkers in the arts, unionized or not, are seeing their positions eliminated or their salaries cut during the current downturn because of unsustainable budgets. Arts leaders, who need to start controlling costs at all levels, also need the backbone to stare down the threat of a Local One strike. And if negotiations break down in the future, the arts community must overcome its unwillingness to cross picket lines for a justified cause that will help all workers. You don't have to be antiunion to confront the inequity of Local One. You just have to be anti–Local One.

Moore's Law Trumps D.C.'s

What empowers the disabled is free enterprise, not regulation.

Berin Szoka

At a recent FCC workshop in Washington, disability advocates demanded that government do more to increase the accessibility of the Internet and broadband devices, especially mobile phones. Congressman Ed Markey, a Massachusetts Democrat and former chairman of the House's Internet subcommittee, has championed such legislation. But for all the handwringing about a "digital divide" separating the disabled from the able-bodied, a new era of empowerment is dawning—the result not of Washington's laws but of Silicon Valley's technological dynamism. In 1965, Intel cofounder Gordon Moore coined his now-famous law: computing power doubles every two years. Moore's Law is the unseen force that has transformed every aspect of our world, making computing increasingly powerful, ubiquitous, and interconnected. It made the digital revolution possible, and it's now extending the promise of that revolution to users with a wide variety of special needs.

Consider one example: Nuance Communications recently launched its popular Dragon NaturallySpeaking voice-recognition software as an iPhone app, allowing users to dictate e-mail, text messages, or anything else on their iPhones. The program works so well that it could become the primary input method for millions of regular users. (I've been using the desktop version since having wrist surgery last year, and it's so good that I'll probably keep using it even if my wrist fully heals.) But for America's more than 20 million visually impaired people, such functionality makes smartphones radically more accessible. What's merely cool for many can be life-changing for the disabled.

Similarly, Google last year began letting users dictate their search queries on iPhones and BlackBerries as well as on phones running the Android and s60 operating systems. And in November, Google announced that it would use voice recognition to caption all videos on YouTube, which it owns—a feat made possible only by the sheer volume and affordability of processing power in the "cloud" (powerful servers connected to users by high-speed broadband). This will allow America's more than 20 million deaf or hearing-impaired users to enjoy the video cornucopia that is YouTube.

Did I mention that all this is free? Google gains because these features increase site traffic, and thus advertising revenue, but also because transcription allows Google to target ads based on the dialogue in the videos.

Disabled users can also increasingly tailor their technology interfaces through software that meets their accessibility needs. Apple and Microsoft

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IMAGNO/GETTY IMAGES

have both built powerful accessibility features into their latest operating systems and Internet browsers, while Adobe has built on these features to make "screen readers" work better than ever to read Web text aloud to the blind and visually impaired. And whatever your disability, search engines and social networks can help you locate a wealth of resources and connections with others in similar situations.

Despite such advances, many disability advocates complain about the inaccessibility of some hardware interfaces, particularly for mobile devices, and want the government to force all device manufacturers to implement certain standard features. That's the wrong approach. There's only so much that can fit into a single device, so accessibility mandates impose real costs, such as steeper prices, increased bulk, and lower functionality. "Equal access" to the latest gadgets may sound appealing, but policymakers should recognize that regulation will only stifle the innovations that could most help the disabled.

We're All Right-Wing Bastards Now

—that is, if the NEA's logic is to be believed.

Larry Sand

On the final day of the National Education Association's convention last summer, its outgoing general counsel, Bob Chanin, gave a speech for the ages. After sharing fond recollections of his 41 years as the NEA's top lawyer, he switched gears and started lobbing grenades at "conservative and right-wing bastards," including Fox News, the *Wall Street Journal*, and *Forbes*. The NEA and its affiliates, by contrast, were "the nation's leading advocates for public education and the type of liberal social and economic agenda that these groups find objectionable." Chanin's glowing portrait of the NEA was wildly wrong, of course, but so was his characterization of the union's opponents. People of all political stripes—not just right-wing "bastards"—are starting to realize that the single biggest impediment to education reform is the NEA itself.

Take the nation's 4,000 charter schools—public schools that operate with less red tape, fewer suffocating union rules, and a higher percentage of minorities and poor students than regular public schools do. In California, 12 of the top 15 public schools are charters, including three in Oakland that cater to exceptionally poor children. Los Angeles charters' median score on California's Academic Performance Index was 728 in 2008, compared with 663 for regular public schools.

Who are the "right-wing bastards" who support charter schools? Well, there's Los Angeles's

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liberal-leaning school board, which looked at its large number of failing schools and voted 6–1 to turn 200 of the lowest performers into charters. There's Steve Barr, a card-carrying Democrat who served in the presidential campaigns of Bill Clinton and Michael Dukakis and who now operates 17 successful Green Dot charter schools in L.A. And don't forget Democrats for Education Reform, a political action committee that supports charters and that says, in its statement of principles, that American public schools, "once viewed romantically as avenues of opportunity for all, have become captive to powerful, entrenched interests that too often put the demands of adults before the educational needs of children."

"Entrenched interests" is a thinly veiled reference, of course, to teachers' unions like the NEA, whose position on charter schools is very clear. According to a resolution adopted at last year's convention, "NEA shall oppose any initiative to greatly expand the growth of charter schools"—though "by no means should this effort conflict with the ongoing and necessary work of organizing charter school teachers." Unfortunately, this "necessary" work hasn't helped students. A study of charter schools in Boston by Harvard economist Tom Kane found that "students accepted by lottery at independently operated charter schools significantly outperformed students who lost the lottery and returned to district schools. But students accepted by lottery at charters run by the school district with unionized teachers experienced no benefit."

The NEA fights school vouchers even more fiercely than it opposes charters. In Washington, D.C., where public schools are a national embarrassment—tops in spending, last in achievement—the union set its sights on the Opportunity Scholarship Program. This tiny but successful voucher program gave 1,700 financially strapped parents, mostly poor African-Americans, the opportunity to free their children from horrendous public schools, getting a few thousand of their tax dollars back to help pay the tuition at private schools of their choosing. A number of the 1,700 lucky lottery winners were able to attend Sidwell Friends, the same school that President Obama's daughters attend.

Here's what NEA president Dennis Van Roekel wrote to Democratic congressmen last March:

> The National Education Association strongly opposes any extension of the District of Columbia private school voucher . . . program. We expect that Members of Congress who support public education, and whom we have supported, will stand firm against any proposal to extend the pilot program. Actions associated with these issues WILL be included in the NEA Legislative Report Card for the 111th Congress.
>
> Vouchers are not real education reform . . . . Opposition to vouchers is a top priority for NEA.

Three months later, Congress dutifully voted to kill the program. Who are the "right-wing bastards" here? The black parents and children who benefited from the voucher program?

Just two days before Chanin's speech, the Citizens' Commission on Civil Rights released a report, *National Teachers' Unions and the Struggle over School Reform*, maintaining that the teachers' unions consistently blocked meaningful education reform and accusing the NEA of trying to end enforcement of the No Child Left Behind act. The unions "almost uniformly call for the spending of more money and the creation of more teaching positions which, of course, result in an increase in union membership, union income and union power," wrote one of the authors, David Kilpatrick. Perhaps the report's authors are the "right-wing bastards" Chanin was talking about? The problem is that Kilpatrick spent 12 years as a top union officer, while the study's other authors include former senators Bill Bradley and Birch Bayh, D.C. congresswoman Eleanor Holmes Norton, and civil rights leader Roger Wilkins—all liberals.

That Democratic leaders and poor African-Americans in Washington have found common cause with the *Wall Street Journal* and Fox News shows that school reform is neither a liberal nor a conservative issue. While Chanin champions the power of an entrenched union and belittles those who oppose it, people of goodwill across the political spectrum fight back for real education reform.

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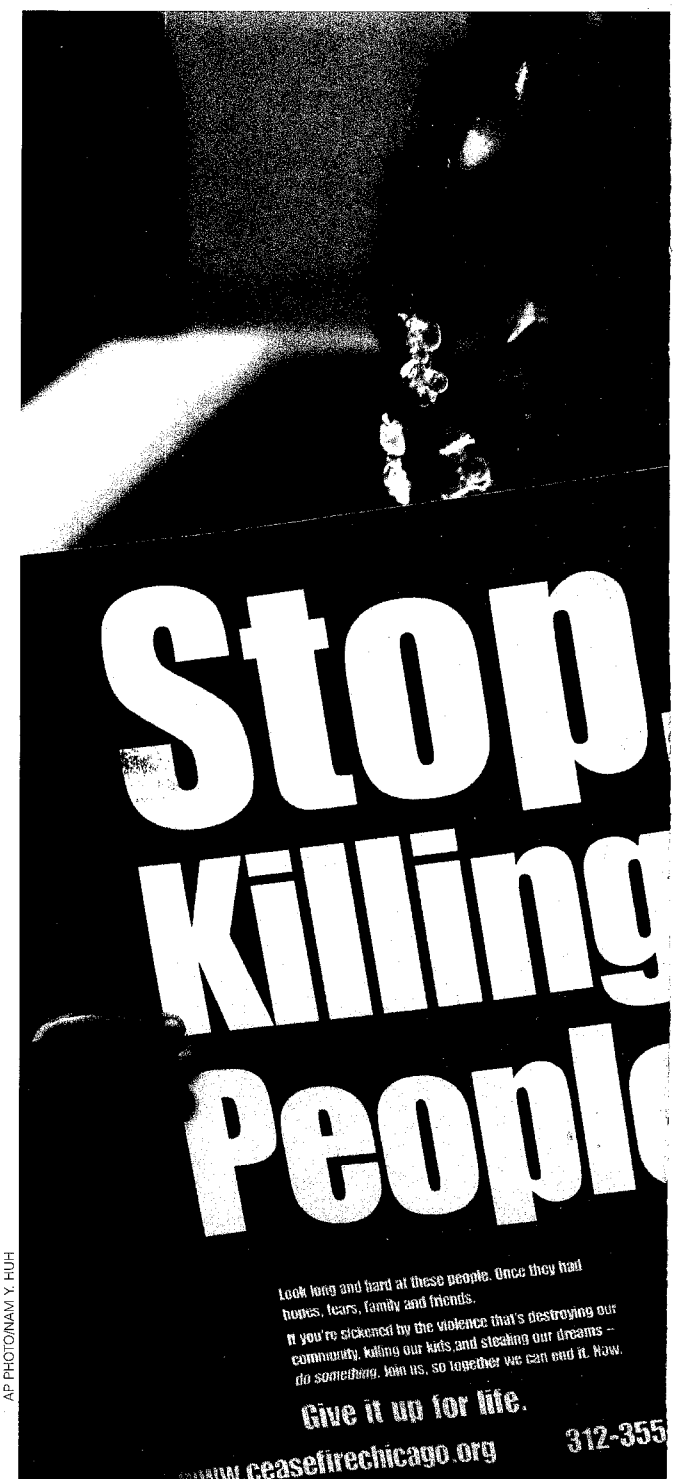
Chicago's Real Crime Story

Why decades of community organizing haven't stemmed the city's youth violence


Stop
Killing
People
Look long and hard at these people. Once they had hopes, fears, family and friends.
If you're sickened by the violence that's destroying our community, killing our kids and stealing our dreams -- do something. Join us, so together we can end it. Now.
Give it up for life.
www.ceasefirechicago.org
312-355

AP PHOTO/NAM Y. HUH

The beating death of Derrion Albert captured national attention last September.

Heather Mac Donald

Barack Obama has exploited his youthful stint as a Chicago community organizer at every stage of his political career. As someone who had worked for grassroots "change," he said, he was a different kind of politician, one who could translate people's hopes into reality. The media lapped up this conceit, presenting Obama's organizing experience as a meaningful qualification for the Oval Office.

This past September, a cell-phone video of Chicago students beating a fellow teen to death coursed over the airwaves and across the Internet. None of the news outlets that had admiringly reported on Obama's community-organizing efforts mentioned that the beating involved students from the very South Side neighborhoods where the president had once worked. Obama's

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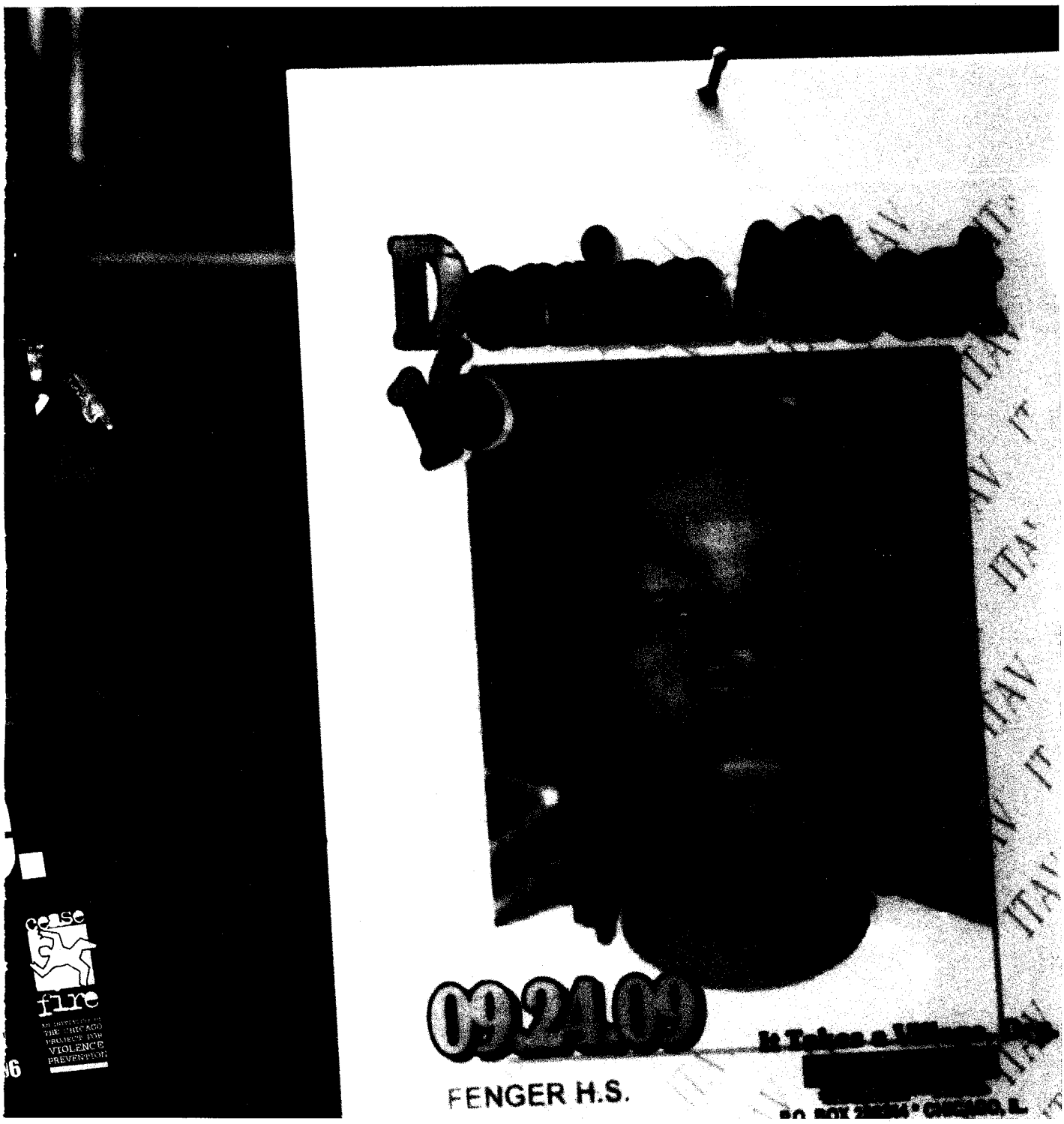

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connection to the area was suddenly lost in the mists of time.

Yet a critical blindness links Obama's activities on the South Side during the 1980s and the murder of Derrion Albert in 2009. Throughout his four years working for "change" in Chicago's Roseland and Altgeld Gardens neighborhoods, Obama ignored the primary cause of their escalating dysfunction: the disappearance of the black two-parent family. Obama wasn't the only activist to turn away from the problem of absent fathers, of course; decades of failed social policy, both before and after his time in Chicago, were just as blind. And that myopia continues today, guaranteeing that the current response to Chicago's youth violence will prove as useless as Obama's activities were 25 years ago.

One year out of college, Barack Obama took a job as a community organizer, hoping for an authentic black experience that would link him to the bygone era of civil rights protest. Few people know what a community organizer is—Obama didn't when he decided to become one—yet the term seduces the liberal intelligentsia with its aura of class struggle and agitation against an unjust establishment. Saul Alinsky, the self-described radical who pioneered the idea in Chicago's slaughterhouse district during the Depression, defined community organizing as creating "mass organizations to seize power and give it to the people." Alinsky viewed poverty as a political condition: it stemmed from a lack of power, which society's "haves" withhold from the "have-nots." A community organizer would open the eyes of the disenfranchised to their aggrieved status, teaching them to demand redress from the illegitimate "power structure."

Alinskyite empowerment suffered its worst scandal in 1960s Chicago. The architects of the federal War on Poverty created a taxpayer-funded version of a community-organizing entity, the so-called Community Action Agency, whose function was to agitate against big-city mayors for more welfare benefits and services for blacks. Washington poverty warriors, eager to demonstrate their radical bona fides, funneled hundreds of thousands of dollars into Chicago's most notorious gangs, who were supposed to run job-training and tutoring programs under the auspices of Alinsky's signature agency, the Woodlawn Organization. Instead, the gangbangers maintained their criminal ways—raping and murdering while on the government payroll, and embezzling federal funds to boot.

The disaster failed to dim the romance of community organizing. But by the time Obama arrived in Chicago in 1984, an Alinskyite diagnosis of South Side poverty was doubly irrelevant. Blacks had more political power in Chicago than ever before, yet that power had no impact on the tidal wave of dysfunction that was sweeping through the largest black community in the United States. Chicago had just elected Harold Washington, the city's first black mayor; the heads of Chicago's school system and public housing were black, as were most of their employees; black power broker Emil Jones, Jr. represented the South Side in the Illinois State Senate; Jesse Jackson would launch his 1984 presidential campaign from Chicago. The notion that blacks were disenfranchised struck even some of Obama's potential organizees as ludicrous. "Why we need to be protesting and carrying on at our own people?" a prominent South Side minister asked Obama soon after he arrived in Chicago. "Anybody sitting around this table got a direct line to City Hall."

Pace Alinsky, such political clout could not stop black Chicago's social breakdown. Crime was exploding. Gangs ran the housing projects—their reign of thuggery aided by ACLU lawsuits, which had stripped the housing authority of its right to screen tenants. But the violence spread beyond the projects. In 1984, Obama's first year in Chicago, gang members gunned down a teenage basketball star, Benjy Wilson.

The citywide outcry that followed was heartfelt but beside the point. None of the prominent voices calling for an end to youth violence—from Mayor Washington to Jesse Jackson to school administrators—noted that all of Wilson's killers came from fatherless families (or that he

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had fathered an illegitimate child himself). Nor did the would-be reformers mention the all-important fact that a staggering 75 percent of Chicago's black children were being born out of wedlock. The sky-high illegitimacy rate meant that black boys were growing up in a world in which it was normal to impregnate a girl and then take off. When a boy is raised without any social expectation that he will support his children and marry his children's mother, he fails to learn the most fundamental lesson of personal responsibility. The high black crime rate was one result of a culture that fails to civilize men through marriage.

The high black crime rate was one result of a culture that fails to civilize men through marriage.

Obama offers fleeting glimpses of Chicago's social breakdown in his autobiography, *Dreams from My Father*, but it's as if he didn't really see what he recorded. An Alinskyite group from the suburbs, the Calumet Community Religious Conference, had assigned him to the Roseland community on the far South Side, in the misguided hope of strong-arming industrial jobs back to the area. Roseland's bungalows and two-story homes recalled an era of stable, two-parent families that had long since passed. Obama vividly describes children who "swaggered down the streets—loud congregations of teenage boys, teenage girls feeding potato chips to crying toddlers, the discarded wrappers tumbling down the block." He observes two young boys casually firing a handgun at a third. He notes that the elementary school in the Altgeld Gardens housing project had a center for the teen mothers of its students, who had themselves been raised by teen mothers.

Most tellingly, Obama's narrative is almost devoid of men. With the exception of the local ministers and the occasional semi-crazed black nationalist, Obama inhabits a female world. His organizing targets are almost all single mothers. He never wonders where and who the fathers of their children are. When Obama sees a group of boys vandalizing a building, he asks rhetorically: "Who will take care of them: the alderman, the social workers? The gangs?" The most appropriate candidate—"their fathers"—never occurs to him.

Surrounded with daily evidence of Roseland's real problem, Obama was nevertheless at a loss for a cause to embrace. Alinskyism, after all, presupposes that the problems afflicting a poor community come from the outside. Obama had come to arouse Roseland's residents to take on the power structure, not to persuade them to act more responsibly. So it was with great relief that he noticed that the Mayor's Office of Employment and Training (MET), which offered job training, lacked a branch in Roseland: "'This is it,' I said. . . . 'We just found ourselves an issue.'" So much for the fiction that the community organizer merely channels the preexisting will of the "community."

Obama easily procured a local MET office. It had as much effect on the mounting disorder of the far South Side as his better-known accomplishment: getting the Chicago Housing Authority to test the Altgeld Gardens project for asbestos. In an area that buses wouldn't serve at night because of fears that drivers would get robbed or hit by bricks, perhaps asbestos removal should have been a lower priority, compared with ending the anarchy choking off civilized life. In fact, "there is zero legacy from when Obama was here," says Phillip Jackson, director of the Black Star Project, a community group dedicated to eliminating the academic-achievement gap. Jackson, like other local leaders, is reluctant to criticize Obama, however. "I won't minimize what Obama was doing then," he says.

In 1987, during Obama's third year in Chicago, 57 children were killed in the city, reports Alex Kotlowitz in his book on Chicago's deadly housing projects, *There Are No Children Here*. In 1988, Obama left Chicago, after four years spent

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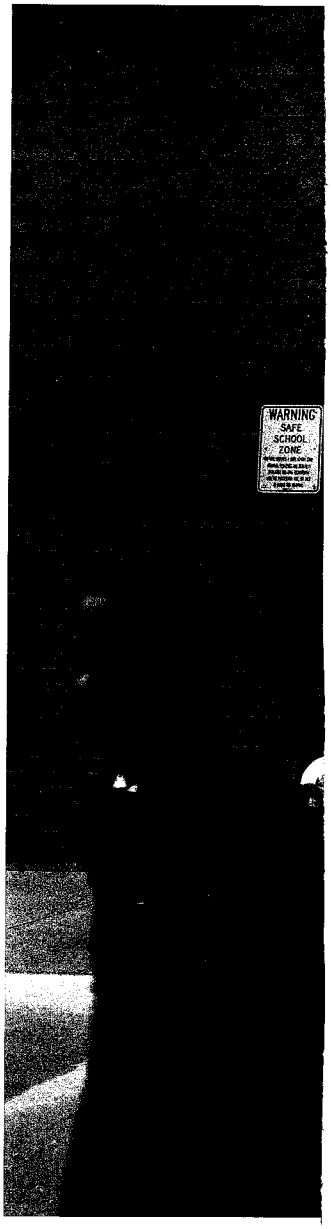
helping "people in Altgeld . . . reclaim a power they had had all along," as the future president put it in *Dreams from My Father*. And the carnage continued.

In 1994, two particularly savage youth murders drew the usual feckless hand-wringing. An 11-year-old Black Disciples member from Roseland, Robert "Yummy" Sandifer (so called for his sweet tooth, the only thing childlike about him), had unintentionally killed a girl while shooting at (and paralyzing) a rival gang member. Sandifer's fellow Black Disciples then executed him to prevent him from implicating them in the killing. A month later, after five-year-old Eric Morse refused to steal candy for an 11-year-old and a ten-year-old, the two dropped him from a 14th-story window in a housing complex, killing him. Eric's eight-year-old brother had grabbed him to keep him from falling, but lost his hold when one of the boys bit him on the arm. None of the perpetrators or victims in either case came from two-parent families.

A year after these widely publicized killings, and on the eve of Obama's first political campaign, the aspiring state senator gave an interview to the *Chicago Reader* that epitomized the uselessness of Alinskyism in addressing black urban pathology—and that inaugurated the trope of community organizer as visionary politician. Obama attacks the Christian Right and the Republican Congress for "hijack[ing] the higher moral ground with this language of family values and moral responsibility." Yeah, sure, family values are fine, he says, but what about "collective action . . . collective institutions and organizations"? Let's take "these same values that are encouraged within our families," he urges, "and apply them to a larger society."

Even if this jump from "family values" to "collective action" were a promising strategy, Obama overlooks a crucial fact: there *are* almost no traditional families in inner-city neighborhoods. Fathers aren't "encouraging" values "within our families"; fathers are nowhere in sight. Moving to "collective action" is futile without a core of personal responsibility on which to build. Nevertheless, Obama leapfrogs over concrete individual failure to alleged collective failure: "Right now we have a society that talks about the irresponsibility of teens getting pregnant," he told the *Reader*, "not the irresponsibility of a society that fails to educate them to aspire for more."



GETTY IMAGES/AFP/MIRA OBEERMAN

The same rhetorical leapfrogging governs the Obama administration's and the Chicago political establishment's response to current Chicago teen violence. Compared with the 1990s, that violence is way down—114 children under 17 were killed both in 1993 and in 1994, while 50 were in 2008. But the proportion of gang-related murders has gone up since the late 1980s and 1990s, when the Chicago police, working with federal law enforcement, locked up the leaders of Chicago's most notorious gangs. Those strong leaders, it turns out, exercised some restraint on their members in order to protect drug profits. "Back then, you knew what the killings were about," says Charles Winston, a former heroin dealer who made $50,000 a day in the early 1990s in the infamous Robert Taylor Homes. "Now, it's just sporadic incidents of violence." The Black Star Project's Phillip Jackson compares the anarchy in Chicago's gang territories to Somalia: "There are many factions," he says, all fighting one another in unstable, shifting configurations.

In the early 2000s, the number of assaults reported in and around schools increased

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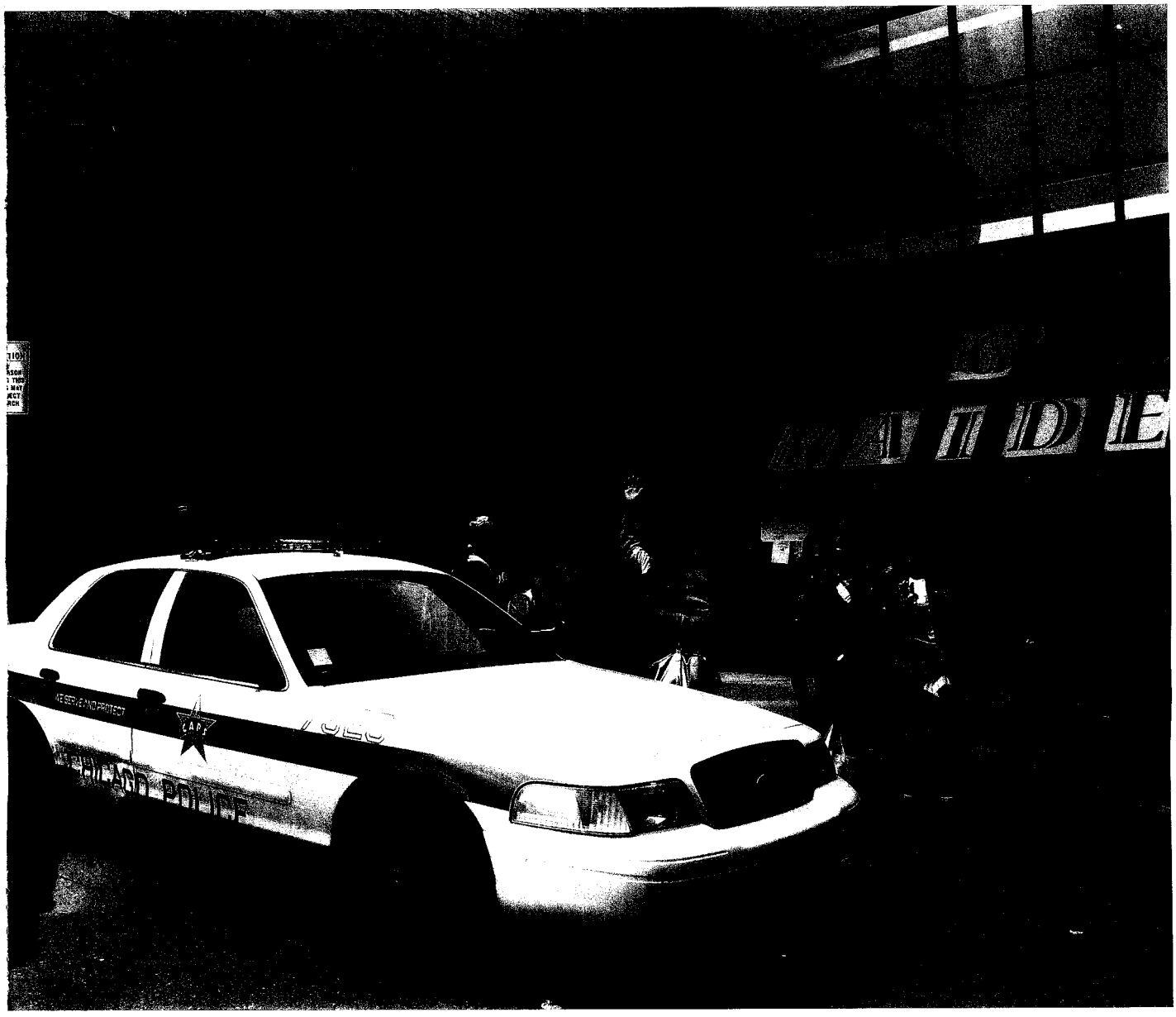

When school lets out, the Chicago Police Department mobilizes across the South and West Sides to keep students from killing one another.

significantly, according to Northwestern University political scientist Wesley Skogan. School dismissal time in Chicago triggers a massive mobilization of security forces across the South and West Sides, to try to keep students from shooting one another or being shot by older gang members. Police officers in bulletproof vests ring the most violence-prone schools, and the Chicago Transit Authority rejiggers its bus schedules to try to make sure that students don't have to walk even half a block before boarding a bus.

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Each street in a neighborhood possesses a mystical significance to its juvenile residents. What defines their identities isn't family, or academic accomplishments or interests, but ruthless fealty to small, otherwise indistinguishable, pieces of territory. Roseland's 123rd Street is the 12-Treys' turf, 119th Street belongs to the 11-9s, and 111th Street is in an area of Roseland called "the Ville." Gang members from the Ville aren't supposed to cross 119th Street; doing so will provoke a potentially lethal challenge. School-reform initiatives may have contributed to increasing tensions on the streets by shutting down failing schools and sending students into enemy territory; the demolition of Chicago's high-rise housing projects in the 2000s likewise disrupted existing gang groupings.

In September 2009, that now-notorious cell-phone video gave the world a glimpse of Barack Obama's former turf. Teenagers—some in an informal school uniform of khaki pants and polo shirts, others bare-chested—swarm across a desolate thoroughfare in Roseland; others congregate in the middle of it, indifferent to the SUVs that try to inch by, horns blaring. Against a background din of constant yelling, some boys lunge at one another and throw punches, while a few, in leisurely fashion, select victims to clobber on the torso and head with thick, eight-foot-long railroad ties. Derrion Albert is standing passively in the middle of a knot on the sidewalk when one boy whacks him on the head with a railroad tie and another punches him in the face. Albert falls to the ground unconscious, then comes to and tries to get up. A boy walking by gives him a desultory kick. Five more cluster around him as he lies curled up on the sidewalk; one hits him again with a railroad tie, and another stomps him on the head. Finally, workers from a nearby youth community center drag Albert inside. Throughout the video, a male companion of the videographer reacts with nervously admiring "damns."

In the Alinskyite worldview, the school system was to blame, not the students who committed the violence. Several years before, Altgeld Gardens's high school, Carver High, had been converted to a charter military academy. Students who didn't want to attend were sent to Fenger High School in the Ville, several miles away. Students from Altgeld Gardens and from the Ville fought each other with knives and razors inside Fenger High and out, their territorial animosity intensified by minute class distinctions. Ville children whose mothers use federal Section Eight housing vouchers to rent homes look down upon housing-project residents like those from the Gardens. The morning of the Albert killing, someone fired a gun outside Fenger; during the school day, students sent one another text messages saying that something was likely to "jump" after school. When students from the Gardens, instead of immediately boarding a bus home, walked down 111th Street—the heart of Ville territory—the fighting started. Derrion Albert had a loose affiliation with Ville students; the students who killed him were from the Gardens.

South Side aldermen and the usual race claque accused the school bureaucracy of insensitivity and worse in expecting Altgeld Gardens and Ville children to coexist without violence. In a pathetic echo of 1950s civil rights protests, Jesse Jackson, cameras in tow, rode a school bus with Altgeld Gardens students from their homes to Fenger High, demanding that Carver be converted back to a neighborhood school. No one pointed out that the threat from which Jackson the Civil Rights Avenger was protecting black students came from other black students, not from hate-filled white politicians. Obama's former organizing group, the Developing Communities Project, led noisy parent protests, demanding that Carver accept all comers from Altgeld Gardens and reduce its military component to a quarter of the school. James Meeks, a race-baiting South Side pastor and an Illinois state senator, staged his own well-photographed bus tour, taking suburban officials through Roseland and past Fenger to demonstrate the "adversity" that Fenger students faced compared with suburban kids—though the greatest adversity comes from the violence that students inflict on themselves.

Other protests sent an even more muddled message. After a day when a dozen fights in Fenger High School provoked a security

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clampdown and five arrests, a group of parents and students staged a two-day boycott of classes, complaining of excessive discipline and harsh treatment from the guards. "They put us on lockdown for two hours because of a little fight," senior DeShunna Williams told the *Chicago Sun-Times*. "It was just an ordinary fight." Schools can only restore safety by strict discipline and zero tolerance for violence, however. If parents and students protest whenever such discipline is enforced, they undercut their own call for greater safety.

Mayor Richard Daley initially rejected the protesters' demands. "The day when the city of Chicago decides to divide schools by gang territory, that's a day when we have given up the city," he said. But the Chicago Public Schools soon promulgated a policy letting Fenger students transfer out of the school. Few mothers took advantage of the option for their children, despite the weeks of agitation for it. Meanwhile, the school system allocated millions of additional dollars to protect Fenger students from one another. Ten extra school buses now escort the 350 Altgeld teens to and from Fenger every day, and school administrators pressed the Chicago Transit Authority to add more public bus routes around Fenger so that students wouldn't have to wait on the sidewalk for more than a few minutes.

In the Alinskyite worldview, the school system was to blame, not the violent students.

Who wins the award for the most Alinskyite evasion of personal and parental responsibility after Albert's death? Perhaps not the local protesters but the federal officials dispatched to Chicago for damage control. The videotaped murder, seen around the world, couldn't have come at a worse time for the Obama administration—just over a week before the Olympic Committee was to decide on Chicago's bid to host the 2016 games. On October 1, the day before Obama was to make his last-minute pitch to the Olympic Committee in Copenhagen, the White House announced that Attorney General Eric Holder and Secretary of Education Arne Duncan would fly to Chicago to deliver a federal response to youth violence. The next day, Chicago lost its bid in the first round of votes, but Holder and Duncan continued to Chicago the following week.

Their message picked up exactly where Obama's 1995 *Chicago Reader* interview left off. "I came here at the direction of the president, not to place blame on anyone, but to join with Chicago, with communities across America in taking responsibility for this death and the deaths of so many other young people over the years," announced Duncan. Of course, the government has been "taking responsibility" for children for several decades now, at a cost of billions of dollars, without noticeable effect on inner-city dysfunction. The feds have funded countless programs in child and youth development, in antiviolence training, in poverty reduction. If "collective action," as Obama put it in 1995, could compensate for the absence of fathers, the black violence problem would have ended years ago.

Holder's remarks were just as irrelevant (though, to his credit, he did pledge $500,000 for beefed-up school security). "We have to ask hard questions, and we have to be prepared to face tough truths," he said, and then proceeded to ignore the hard questions and duck the tough truths. "Youth violence is not a Chicago problem, any more than it is a black problem, a white problem, or a Hispanic problem," he claimed. "It is something that affects communities big and small, and people of all races and all colors. It is an American problem." Tough-truth quotient: maybe 20 percent. No, youth violence isn't just a Chicago problem. Urban school districts across the country flood school areas with police officers at dismissal time. But youth violence is definitely correlated with race. Though rates of youth

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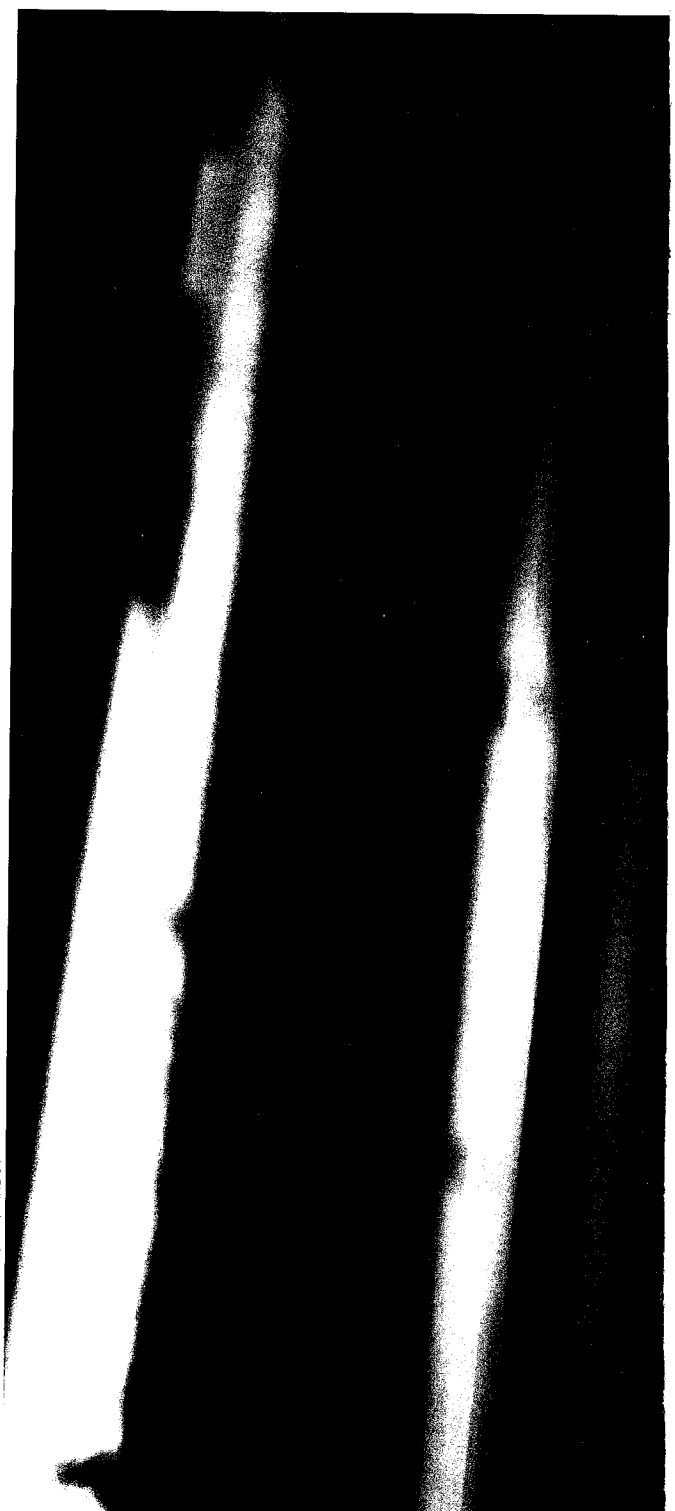
killings and shootings vary—Chicago children under the age of 17 are killed at four times the rate of New York children, for example—youth violence *is* disproportionately a "black problem" and, to a lesser extent, a Hispanic one. According to James Alan Fox and Marc Swatt of Northeastern University, the national rate of homicide commission for black males between the ages of 14 and 17 is ten times higher than that of "whites," into which category the federal government puts the vast majority of Hispanics. Black juveniles accounted for 78 percent of all juvenile arrests between 2003 and 2008 in Chicago; Hispanics were 18 percent, and whites, 3.5 percent, of those arrests. Recognizing *that* tough truth is the only hope for coming up with a way to change it.

In Chicago, blacks, at least 35 percent of the population, commit 76 percent of all homicides; whites, about 28 percent of the population, commit 4 percent, and Hispanics, 30 percent of the population, commit 19 percent. The most significant difference between these demographic groups is family structure. In Cook County—which includes both Chicago and some of its suburbs and probably therefore contains a higher proportion of middle-class black families than the city proper—79 percent of all black children were born out of wedlock in 2003, compared with 15 percent of white children. Until that gap closes, the crime gap won't close, either.

Official Chicago's answer to youth violence also opts for collective, rather than paternal, responsibility. The Chicago school superintendent, Ron Huberman, has developed a whopping $60 million, two-year plan to combat youth violence. The wonky Huberman, who created highly regarded information-retrieval and accountability systems for the police department and the city's emergency response center in previous city jobs, has now applied his passion for data analysis to Chicago's violent kids. Using a profile of past shooting victims that



CHICAGO TRIBUNE/MCT/LANDOV

Like most Chicago black teens, Vashion Bullock, a participant in the brawl that ultimately killed Albert, comes from a fatherless home.

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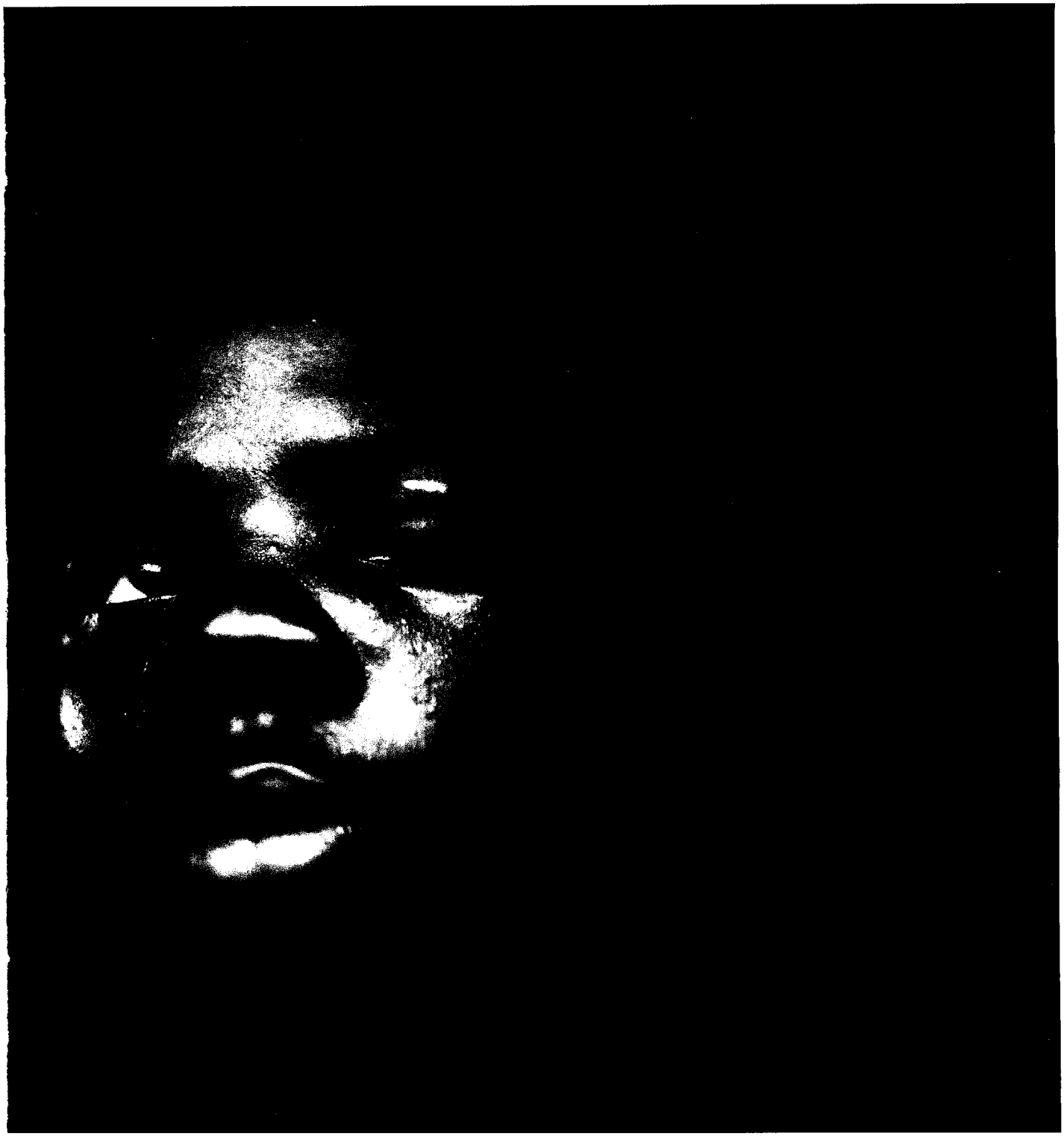

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includes such factors as school truancy rates and disciplinary records, he has identified several hundred teens as having a greater than 20 percent chance of getting shot over the next two years. The goal is to provide them with wrap-around social services. (The profile of victim and perpetrator is indistinguishable, but targeting potential victims, rather than perpetrators, for such benefits as government-subsidized jobs is politically savvy.) The program will assign the 300 or so potential victims their own "advocates," who will intercede on their behalf with government agencies and provide them with case management and counseling.

In some cities, it's a police officer who visits a violence-prone teenager to warn him about staying out of trouble. Chicago sends a social worker. The Chicago police department has kept a low profile during the public debate over teen shootings, ceding primary accountability for the problem to the school system. This hierarchy of response may reflect Chicago's less assertive police culture compared with, say, New York's. "We'd marvel at how the NYPD was getting mayoral support" during New York mayor Rudolph Giuliani's tenure, says a former Chicago deputy superintendent. "Mayor Daley is not a cop supporter; it's no secret that he rules the police department with an iron fist." The South Side's black ministers, whom Daley does not want to alienate, also act as a check on more proactive policing. There have been few calls in Chicago for a more aggressive stop-and-frisk policy to get illegal guns off the street, and the police department hasn't pushed to implement one.

Now, perhaps if Huberman's proposed youth "advocates" provided their charges with opportunities to learn self-discipline and perseverance, fired their imaginations with manly virtues, and spoke to them about honesty, courtesy, and right and wrong—if they functioned, in other words, like Scoutmasters—they might make some progress in reversing the South Side's social breakdown. But the outfit that Huberman has picked to provide "advocacy" to the teens, at a reported cost of $5 million a year, couldn't be more mired in the assiduously nonjudgmental ethic of contemporary social work. "Some modalities used in this endeavor," explains the newly hired Youth Advocates Program (YAP), "include: Assess the youth and his/her family to develop an Individualized Service Plan (ISP) to address the individual needs of each youth." The Youth Advocates Program's CEO tried further to clarify the advocates' function: "If a family needs a new refrigerator or a father needs car insurance, it's the advocate's job to take care of it," Jeff Fleischer told the *Chicago Tribune*. The reference to a "father" is presumably Fleischer's little joke, since almost none of the Chicago victims-in-waiting will have their fathers at home. It's not a lack of material goods that ails Chicago's gun-toting kids, however, or their mothers' lack of time to procure those goods. Providing their families with a government-funded gofer to carry out basic adult tasks like getting car insurance will not compensate for a lifetime of paternal absence.

The Youth Advocates Program represents the final stage of Alinskyism: its co-optation by the government-funded social-services industry. Obama came to Roseland and Altgeld Gardens with the fanciful intention of organizing the "community" to demand benefits from a hostile power structure. But here's that same power structure not just encouraging demands from below but providing the community with its own government-funded advocates to "broker and advocate for each youth and family," as YAP puts it, thus ensuring constant pressure to increase government services.

Huberman's plan for ending youth violence includes other counselors and social workers who will go to work in the most dangerous public high schools. He also wants to create a "culture of calm" in the schools by retraining security guards and by de-emphasizing suspensions and expulsion in favor of "peer mediation." Nothing new there: in 1998, Chicago schools announced plans to train students to be peer mediators and to engage in conflict resolution. In fact, there is nothing in Huberman's plan that hasn't been tried before, to no apparent effect. You'd think that someone would ask: What's lacking in these neighborhoods that we didn't notice before? The correct answer would be: family structure.

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eedless to say, everyone involved in the Albert beating came from a fatherless home. Defendant Eugene Riley hit Albert with a railroad tie as he lay unconscious on the ground in his final moments. According to 18-year-old Riley's 35-year-old mother, Sherry Smith, "his father was not ready to be a strong black role model in his son's life." Nor was the different father of Riley's younger brother, Vashion Bullock, ready to be involved in *his* son's life. A bare-chested Bullock shows up in the video wielding a railroad tie in the middle of the street. As for Albert himself, his father "saw him the day he was born, and the next time when he was in a casket," reports Bob Jackson, the worldly director of Roseland Ceasefire, an antiviolence project.

The next stage in black family disintegration may be on the horizon. Black mothers are starting to disappear, too.

The absence of a traditional two-parent family leaves children uncertain about the scope of their blood ties. One teen who attends the Roseland Safety Net Works's after-school program thinks that she has more than ten siblings by five different fathers, but since her mother lives in North Carolina, it's hard to pin down the exact number. Eight of the ten boys enrolled in Kids Off the Block, another after-school program, don't know their fathers. "The other two boys, if the father came around, they'd probably kill him," says Diane Latiker, who runs the program. If children do report a remote acquaintance with their father, they don't seem to know what he does for a living.

Though teen births have dropped among blacks since the 1990s, unwed pregnancy is still a pervasive reality in Chicago's inner-city high schools. "Last year at Fenger, it was all you heard about—pregnancies or abortions," reports the youth president at Roseland Safety Net Works. In autumn 2009, one in seven girls at Chicago's Paul Robeson High School was either expecting or had already given birth to a child. It's not hard to predict where Chicago's future killers will come from.

A 15-year-old resident of Altgeld Gardens, for example, was sitting at home with her three-month-old boy during the week of Veterans Day this year, having been suspended for fighting. You'd never know it from her baby-doll voice, but this ninth-grade mother runs with a clique of girls at Fenger High "who have no problem taking you out," says Bob Jackson. She lives with her 34-year-old mother, two brothers, and a sister; she sometimes sees her father when he's in town but doesn't know if he has a job. Her son's father, still playing with toys, isn't providing support. She was on her way to pick up free food from the federal WIC program when I spoke with her.

The next stage in black family disintegration may be on the horizon. According to several Chicago observers, black mothers are starting to disappear, too. "Children are bouncing around," says a police officer in Altgeld Gardens. "The mother says: 'I'm done. You go stay with your father.' The ladies are selling drugs with their new boyfriend, and the kids are left on their own." Albert's mother lived four hours away; he was moving among different extended family members in Chicago. Even if a mother is still in the home, she may be incapable of providing any emotional or moral support to her children. "Kids will tell you: 'I'm sleeping on the floor, there's nothing in the fridge, my mother doesn't care about me going to school,' " says Rogers Jones, the courtly founder of Roseland Safety Net Works. "Kids are traumatized before they even get to school." Some mothers are indifferent when the physical and emotional abuses that they suffered as children recur with their own children. "We've had mothers say: 'I was raped as a child, so it's no big deal if my daughter is raped,' " reports Jackson.

he official silence about illegitimacy and its relation to youth violence remains as carefully

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preserved in today's Chicago as it was during Obama's organizing time there. A fleeting reference to "parental" responsibility for children is allowed, before the speaker quickly moves on to society's more important role. But anything more specific about fathers is taboo. "I have not been in too many churches lately that say: 'Mom, you need to find yourself a husband, this is not the norm,'" observes Jackson—an understandable, if lamentable, lacuna, he adds, since single heads of households constitute the vast majority of the congregation. Press coverage of teen shootings may mention a participant's mother, but the shooter and victim may as well be the product of a virgin birth, for all the media's curiosity about where their fathers are. I asked John Paul Jones of Obama's old Alinskyite outfit, the Developing Communities Project, if anyone ever tries to track down the father of a teen accused of a shooting. The question threw him. "Does anyone ever ask: 'Where are the fathers?'" he paraphrased me. A brief silence. "That's a good point."

Some members of Chicago's Left will argue against holding fathers *or* mothers responsible for their children. "To blame it on the family is totally unfair," says Gwen Rice, a board member of the Developing Communities Project. "I'm tired of blaming the parents. The services for the poor are paltry; it boggles the mind. Historically, you can't expect a parent who can't get a job to do something that someone with resources can do. These problems have histories; there are policies that have mitigated against black progress. What needs to happen is a change in corporate greed and insensitivity." Rice corrects my use of the term "illegitimacy": "There are no illegitimate births," she says.

One activist, however, makes ending illegitimacy an explicit part of his work. "I tell people: 'Unless you get married, you will perish,'" says the Black Star Project's Phillip Jackson. An intense, wiry man who looks like a cross between Gandhi and Spike Lee, Jackson organizes events to make fathers visible and valued again, like "Take Your Child to School Day." Yet Jackson is not immune from the Alinskyite tic of looking to government for solutions to problems of personal responsibility (nor does Jackson avoid launching groundless charges of racism). He has gathered a crate of petitions to President Obama regarding Chicago's youth violence, some of whose signers are as young as four. "President Obama, please send help for the sake of these young people in Chicago," reads the petition. Asked what he wants Obama to do, Jackson's answers range from a trickle-up stimulus plan to jobs to leadership.

Jobs, whether government-created or not, aren't likely to make much difference in the culture of illegitimacy. As journalist Nicholas Lemann observed over two decades ago in *The Atlantic Monthly*, the black illegitimacy rate has only a weak correlation to employment: "High illegitimacy has always been much more closely identified with blacks than with all poor people or all unemployed people." An Alinskyite approach to the related problems of illegitimacy and crime is only a distraction. Seeking redress and salvation from the "power structure" just puts off the essential work of culture change.

Barack Obama started that work in a startling Father's Day speech in Chicago while running for president. "If we are honest with ourselves," he said in 2008, "we'll admit that . . . too many fathers [are] missing from too many lives and too many homes. They have abandoned their responsibilities, acting like boys instead of men . . . . We know the statistics—that children who grow up without a father are five times more likely to live in poverty and commit crime; nine times more likely to drop out of school and 20 times more likely to end up in prison."

But after implicitly drawing the connection between family breakdown and youth violence—"How many times in the last year has this city lost a child at the hands of another child?"—Obama reverted to Alinskyite bromides about school spending, preschool programs, visiting nurses, global warming, sexism, racial division, and income inequality. And he has continued to swerve from the hard truth of black family breakdown since his 2008 speech. The best thing that the president can do for Chicago's embattled children is to confront head-on the disappearance of their fathers and the consequence in lost lives.

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Our Vanishing Ultimate Resource

Plummeting birthrates threaten prosperity worldwide. Can America buck the trend?

Steven Malanga

In Kamikatsu, on the Japanese island of Shikoku, officials have set up an agricultural cooperative whose members log on to computers daily to check the fluctuating prices of the produce that they grow. Then they go out and pick whatever is fetching the best price that day. Unusual, yes, but what's truly surprising about this cooperative is the average age of its members: 70. In a country where lots of folks retire at 60, Kamikatsu's residents are working well into their senior years—and they're doing so not only to buoy retirement earnings but also to energize the local economy. With nearly half of the town's residents 65 and older, the government realized that there simply wasn't enough of a traditional workforce available to build or staff most typical industries.

Kamikatsu shows in microcosm what Japan and several other nations now face—and what others soon will. For decades, demographers and economists have watched the world's fertility rate plunge as countries grew wealthier and more urban. These days, fertility rates in much of the industrialized world are far below replacement levels—that is, the number of kids that parents must have to replace themselves and adults who remain childless. Though the steepest declines happened first in wealthy countries like Japan, Italy, Germany, and Spain, even many developing countries have seen their fertility rates head downward.

The demographic shift brings extraordinary new challenges. Economists are increasingly recognizing that the struggles of places like Japan and Italy to extricate themselves from economic slumps that began in the 1990s result in part from extreme "birth dearths" that have shrunk labor pools, dried up consumer spending, and made businesses, staffed by older employees, more risk-averse. Decades of government efforts to reverse birth dearth have largely proved fruitless.

Yet one industrialized country resists the trend: America. True, the American fertility rate has also fallen in recent decades. But it has surged of late and now stands at population-replacement level, about 2.07 children per woman. That reality has led to projections of vigorous U.S. economic growth in the next half-century. What's behind the relative fecundity? A good guess is American-style free-market capitalism, which (despite recent economic woes) encourages long-term optimism, taxes less of parents' income, and affords them easier mobility into and out of the job market than they'd find in more regulated economies.

News of a population bust might come as a surprise to many Americans. More than two centuries after English scholar Thomas Malthus argued that population growth exceeded the earth's ability to feed us—"The power of population is indefinitely greater than the power in the earth to produce subsistence for man," he wrote—the media continue to warn us about impending environmental catastrophe and mass

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starvation caused by an exploding human population. These Malthusian alarms persist even though the last 200 years have proved Malthus completely wrong. As the world's population shot up, starting around the time of the Industrial Revolution, worldwide standards of living rose in tandem. People proved far more resourceful in expanding food production, tapping new veins of natural resources, and inventing technologies to accommodate a growing population than Malthus dreamed possible. When mass deprivation *has* occurred in modern times, it has invariably resulted from political tyranny and social chaos, not from an inability to derive enough resources from the earth.

Even as modern societies became more productive, something else happened that contemporary Malthusians have ignored: fertility rates began declining. In England, the number fell from an average of nearly six children per woman in 1775 to 3.35 in 1875 to 1.96 today. In Germany, the rate slumped from more than five children per woman in 1850 (earlier data aren't available) to 1.4 today; in Italy, from nearly five children in 1850 to 1.3 today.

The trend long went unnoticed because rising life expectancy kept populations expanding. But by the 1960s and 1970s, more and more countries started seeing their birthrates sink beneath replacement levels. Today, women in more than 60 countries, ranging from Austria, Canada, and Poland to Japan, Singapore, and South Korea, don't bear enough children to keep the population growing. In a handful of countries, women average just one child over a lifetime, less than half the replacement rate. The fertility drop in many less developed countries hasn't dipped below replacement levels yet, but it's heading there fast. Over the last few decades, Mexico's rate went from nearly seven children per woman to 2.3; Egypt's, from just under seven to 2.72; and India's, from nearly six to about 2.7.

What's behind the dwindling births? The chief factor is urbanization. Starting in the Industrial Revolution, households began migrating from rural areas, where Johnny and Sally could work on the family farm to help make ends meet, to cities, where the modern economy made kids a financial burden, requiring them to spend more and more years in school to become employable. Nowadays, it costs between $170,000 and $300,000 to raise a child through high school in the United States or Europe. And as urbanization has proceeded rapidly in many less developed countries—some 50 percent of the world's population now live in cities—fertility rates are collapsing everywhere. Also putting downward pressure on fertility rates is women's desire to work, which has delayed childbearing and thus narrowed their "fertility window."

The resulting population dive will be breathtaking. Japan's population, projections say, will decline by about 21 percent over the next four decades. South Korea's population, which swelled by two-thirds over the last 40 years, is estimated to shrink by nearly 10 percent in the next 40. Europe's population will peak in about five years and contract by between 6 and 16 percent by 2050, led by big declines in Germany (down 14 percent), Italy (6 percent), Poland (16 percent), and Russia (22 percent).

Plunging birthrates will significantly slow population growth in many less developed countries as well. Mexico, which more than doubled, to 110 million people, over the last 40 years, could see flat population growth in the next 40. Thailand's population, which has grown by two-thirds since 1970, will probably increase by no more than 6 percent by 2050.

Demographers are scrambling to adjust their population projections, with little notice in the press. In the early 1990s, United Nations researchers projected that the world's population would reach a maximum of 10 to 12 billion people (up from about 6.7 billion today). They subsequently scaled back that projection to 9.5 billion and then to about 9.1—adding, however, that it might be as low as 7.9. But the truth is that no one knows how this massive reversal will end.

AP PHOTO/KATSUMI KASAHARA

With more than one in five Japanese 65 or older, the government is encouraging citizens like Tsuneko Hariki of Kamikatsu to work well past traditional retirement age.

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Our Vanishing Ultimate Resource

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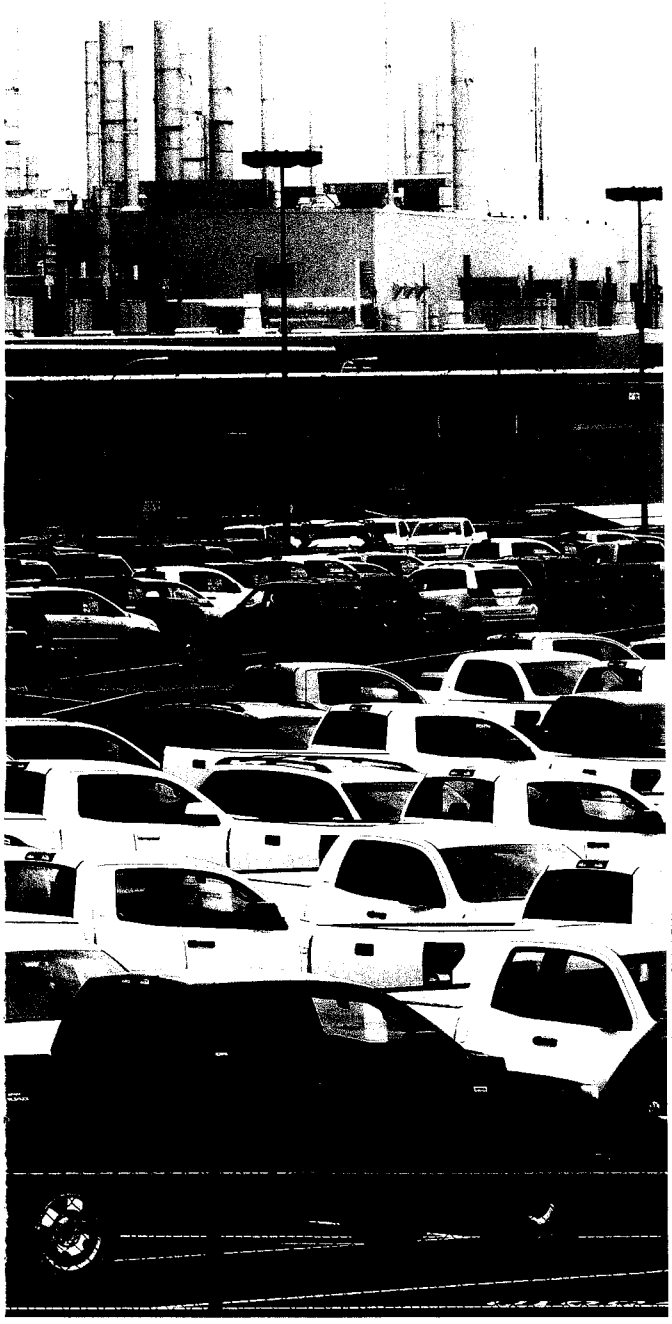
The UN demographers optimistically claim that the world's fertility rate, currently at 2.6 children per woman, will decline to replacement level and then stabilize. But there's no clear reason for that to happen; dozens of countries have seen their rates sink far lower. In his book *Fewer*, Ben Wattenberg estimates that if the rate were to stop at 1.85 births per woman, the world's population could shrink to 2.3 billion by the year 2300.



THE IMAGE WORKS/CHRIS FITZGERALD

As the Japanese population dwindles, manufacturers are relocating production to growing markets like the United States. Left: a Toyota plant in Princeton, Indiana

Shrinking fertility rates are producing rapidly graying societies. More than 20 percent of Japan's population, for instance, is now 65 or older, and by 2050, that figure will rise to an astonishing 40 percent. Germany's over-65 population has increased from 15 percent in 1980 to 20 percent today and is expected to reach one-third of the population by 2050. The less developed countries are again following the pattern. China's 65-and-over population will rise from 8 percent today to nearly a quarter of the country by 2050. Mexico's will increase from 7 percent to 22 percent. In fact, say demographers, we're seeing something unprecedented in less developed countries: populations getting old before they get rich. Places like Iran and North Korea, where fertility rates have nose-dived below replacement levels, are aging even before they develop modern institutions to participate in the global economy.

Since economic growth depends strongly on an expanding population—something poorly understood until recently—aging countries' economies face serious problems. As late as the 1960s, Malthus-influenced neoclassical economists believed that population growth reduced a society's standard of living by dividing up the same "pie" into smaller and smaller slices. Economists have gradually come to understand, however, that in industrialized countries, population growth spurs productivity growth. This is partly because economies of scale and specialization of

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labor boost output per worker. Studies have found that an industrialized country whose population doubles can expect per-worker output to increase by 20 percent. Fertility decline may initially boost economic performance in less developed countries because having fewer children frees up resources, but over time, the effects of a shrinking population will prevail everywhere.

Further, economists have recognized that what's essential to wealth creation is human creativity, not natural resources. Famously disputing the neo-Malthusian warnings of Paul Ehrlich, author of the 1968 bestseller *The Population Bomb*, economist Julian Simon called people the "ultimate resource." Human beings, he observed, discovered how to convert oil, coal, and uranium, which had sat worthless in the earth for eons, into energy. "The most important economic effect of population size is the contribution of additional people to our stock of useful knowledge," Simon noted. A growing population streams young workers into the labor market, and they are usually the most daring, entrepreneurial, and even knowledgeable and inventive (successive generations of workers in industrial countries have typically been more educated than their predecessors). "Those who fear overpopulation share a simple insight: People use resources," Harvard economist Greg Mankiw wrote in 1998, summing up the argument. "The rebuttal to this argument is equally simple: People create resources."

Japan shows what happens when a country begins losing its ultimate resource. The country's economic misfortunes, which began in the early 1990s after decades of post–World War II growth and have persisted with little relief, often get blamed on the bursting of the country's real-estate bubble, government support of banks laden with bad loans, and a highly regulated and uncompetitive domestic economy. But as years went by and the Japanese economy failed to cycle out of its downturn, observers gradually realized that something even deeper afflicted it: not enough people. Japan was stuck in "the world's first low-birth recession," in the words of sociologist Yamada Masahiro.

The size of Japan's workforce population peaked in the mid-1990s; since then, it has been shrinking—and aging. At Matsushita Electric Industrial, now Panasonic, for example, the age of an average worker increased from 31 in 1980 to 41 in 2002. This graying has caused a significant slump in Japan's once-vaunted productivity. Older workers' experience can be valuable, but they tend to be less productive than their younger counterparts because they generally work fewer hours, are more costly to employ (since their seniority-based wages are higher), and aren't as adaptable or as up-to-date technologically. Japanese productivity (as measured by worker output per hour), once the envy of the industrialized world, is now just 70 percent of America's and below the average of the 32 countries that make up the Organisation for Economic Co-operation and Development (OECD).

As aging Japanese workers poured ever more of their earnings into retirement accounts, consumer spending suffered, too. Between 1990 and 2000, average Japanese household spending actually shrank, once adjusted for inflation. While savings can lift an economy by providing more capital for business investment, Japanese producers viewed the increasing savings and the falling consumption as a sign of population stagnation, and they stopped investing at home, instead expanding in overseas markets like the U.S.

Japan's economic doldrums seem semipermanent. Japan's economy grew by a paltry 10 percent in the 1990s, or less than 1 percent a year, after averaging inflation-adjusted gains of 40 to 50 percent per decade during the 1970s and 1980s. After a brief growth spurt from 2004 through 2007, Japan's economy has again contracted, is smaller today than it was a decade ago, and "will contract in size from now on," Japanese economist Akihiko Matsutani predicts.

Italy is another country where a rapidly falling birthrate has helped undermine prosperity. Like most industrialized countries, Italy enjoyed a brief postwar baby boom, with its population increasing by 15 percent from 1950 to 1970. Despite occasional political turmoil and the

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stereotype of Italians as desultory workers, the economy ignited in the mid-1970s, just as the first members of this baby boom were entering their adult years, and grew fourfold between 1975 and 1990. In 1987, the country celebrated the *sorpasso*, its economy's surpassing of the United Kingdom's in size. But the celebration was short-lived, for the early 1970s were also the beginning of a steep and persistent drop in the Italian fertility rate, which declined by 50 percent in just 20 years, to 1.2 births per woman by 1990.

Not coincidentally, the nineties saw Italy fall into a long economic funk. The birth dearth cut into Italy's working-age population, and severe labor shortages ensued. When Franco Tosi, a manufacturing company, tried opening an auto-parts operation in Legnano in northern Italy in 2001, it couldn't find enough workers to staff the 1,500-person effort, even though the economy had been drifting for several years, and huge crates of supplies sat unopened. Italian officials estimated that the country faced a labor shortage of 100,000 to 160,000 workers throughout its northern industrial region.

A social-security crisis also looms, presaging similar problems in other industrialized countries. A full 22 percent of Italy's population is now on a pension, one of the highest rates in the world, and the country devotes 15 percent of its gross domestic product to pensions—more than any European nation. Retirement not only robs the workforce of needed laborers but also depresses household consumption because retirees almost invariably spend less than workers do. In Italy, the average adult 35 or younger spends the equivalent of $2,813 per month on living expenses; an adult 65 or older spends only $1,924. The situation will only worsen: by 2020, Italy will have just two working adults for every retiree.

The economic impact of fertility decline is most noticeable in Japan and Italy, but other countries are feeling it, too. Sweden was one of the first wealthy nations to see births fall below replacement level, where they've stayed for four decades except for a brief resurgence in the early nineties. As Sweden's population has aged—18 percent of Swedes today are over 65 and retired, compared with 14 percent in 1970—the country's economic performance has languished, with its once-formidable growth rate falling well below the OECD average over the last two decades. Entrepreneurialism—which is highest among workers aged 25 to 34, studies show—has especially suffered: only one of Sweden's 50 largest companies was created after 1970; the country now has the lowest self-employment rate in the OECD; and the number of entrepreneurs has declined by almost 9 percent since 1995, notes Johan Norberg, a senior fellow at the Cato Institute.

Economists have recognized that what's essential to wealth creation is human creativity.

aced with the inescapable math of fertility decline, many countries have tried to address its economic consequences. The most common policy change has been to reduce the size of the welfare state, especially through adjustments to pension systems, which aren't sustainable as the ratio of workers to pensioners declines. The European trend until recently was for workers to retire earlier and earlier, even as life expectancy grew. The labor-force participation rate of people aged 55 to 64 in the European Union is just 48 percent, compared with 64 percent in the United States. Countries with some of the gravest population problems also have the lowest rates of participation. In Italy, for instance, only 36 percent of 55- to 64-year-olds are in the labor force.

Austria, France, Germany, and Italy are among the countries that have already pushed back their average retirement ages and cut benefits for early retirees. Sweden has gone further,

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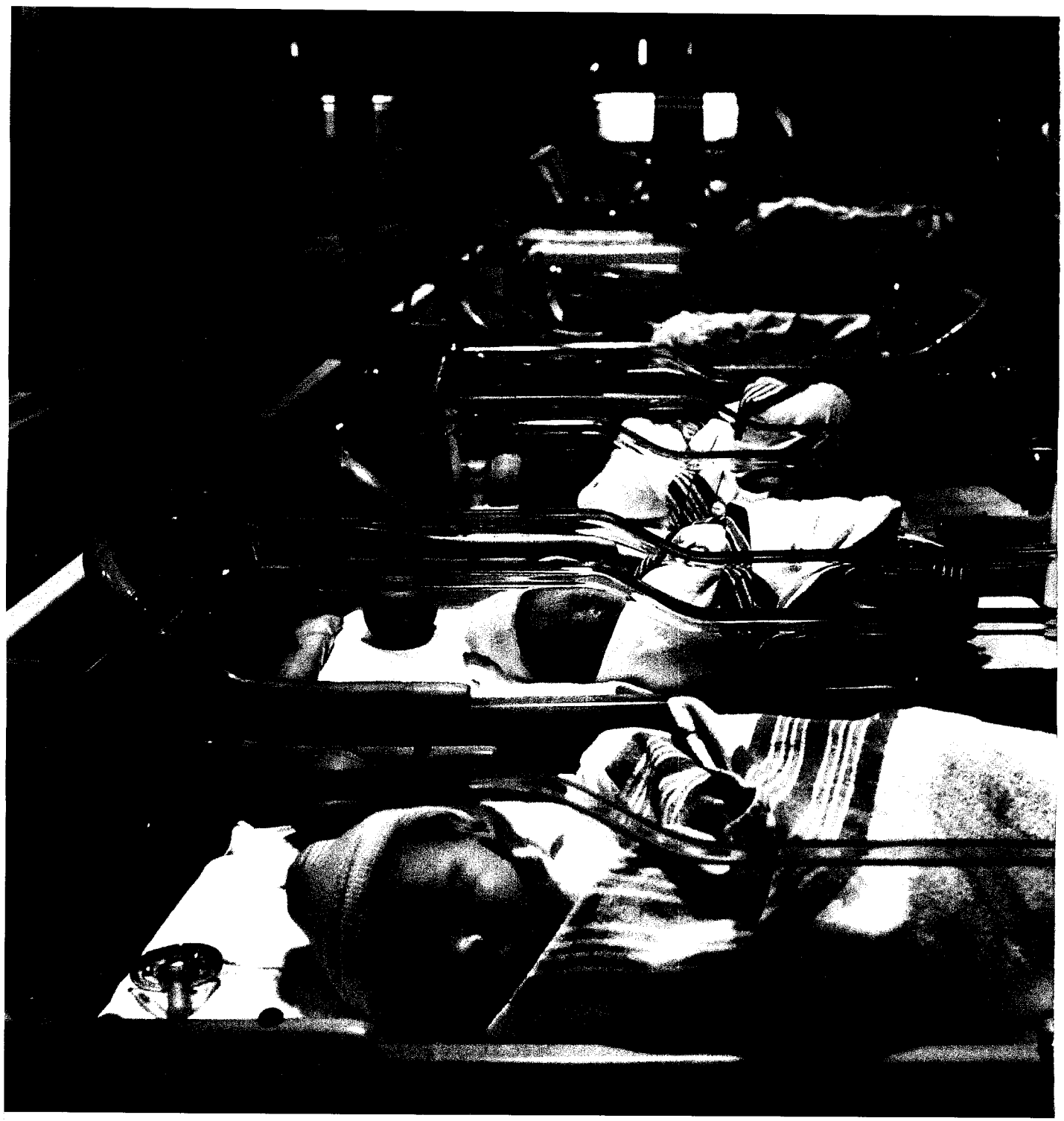

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THE IMAGE WORKS/SYRACUSE NEWSPAPERS/JOHN BERRY

Market might begins in the nursery—and America's fertility rate outpaces most of the developed world's.

revamping its pension system to resemble the partly privatized Chilean model, which bases a worker's retirement income on the contributions he makes to his pension account over a lifetime. French and Italian workers initially fought some of these changes but eventually accepted them: the reality of fertility decline and aging populations has become unavoidable in Europe. Demographer Paul Hewitt has even argued that it heralds "the end of the postwar welfare state."

Unfortunately, getting people to work longer won't solve countries' fertility-related economic difficulties, even if it will have a modest impact on pension spending. The Japanese, for instance, already boast a nearly 70 percent labor-force participation rate for those aged 55 to 64. But because of the country's extreme birth dearth, by mid-century the average Japanese would need to work until age 83 to keep a constant ratio of workers to retirees. Europeans would need to work until their late seventies.

That's why some nations have also sought to lift fertility levels through natalist policies. After France's population stopped growing in the 1930s, the country introduced the first such program—regional associations that promoted traditional family values—and the Vichy government kept the effort going, even under Nazi occupation. The worldwide fertility decline that began in the 1970s sparked new natalist experiments. Sweden introduced paid parental leave of one year in 1980 and then extended it to 15 months in 1989. Austria offered yearlong maternal leave, paying a woman up to 40 percent of her working earnings. Other governments have tried tax credits and even direct payments to parents.

At best, these policies have had only a short-term, marginal effect on fertility rates. Sweden's fertility rate bounced back after the country introduced its aggressive natalist policies, rising from 1.65 in 1984 to 2.1 in 1991. But the rate then slumped rapidly, falling to 1.5 by the decade's end. Norway, which introduced similar policies, saw its fertility rate stay almost flat over a 20-year period. Austria's rate never rose in response

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to its policies and currently hovers at 1.4. The problem, many observers believe, is that countries can't afford to offer sufficient benefits to get families to have more babies. "One might say that $1,000 a year is not anywhere near enough to raise a child," writes Wattenberg. "How about $10,000? Or a million dollars? Sooner or later it would work; too bad there is not that kind of money around."

Increased immigration doesn't seem to be the answer. For starters, immigration has a very small impact on long-term population trends, even in countries with relatively high levels of migration. In a recent National Bureau of Economic Research study, four economists estimated that immigration over the last 40 years in Austria, whose population is 10 percent foreign-born, has added less than 1 percentage point to the share of the population that is working-age. Many immigrants, it turns out, quickly adopt the fertility patterns of their new country.

There are exceptions, such as France, where North African Muslim immigrants have retained high fertility rates. A study of birthrates among the French in the 1990s found that immigrant women from Morocco, Tunisia, and other North African countries had a fertility rate of nearly three. But the unemployment rate among the foreign-born in France is twice the rate of native-born French (by contrast, in the U.S. the foreign-born unemployment rate is roughly the same as the native-born rate). Nor have the children of the foreign-born in France proved successful at integrating into the French economy. In many North African neighborhoods in France, 30 to 40 percent of 15- to 24-year-olds are unemployed.

Seeking solutions, a few policy experts have begun looking more closely at the United States. After a big drop in the mid-1970s, America's fertility rate bounced back and has remained relatively stable, near replacement level—a 30-year-plus pattern that astounds European observers. For a time, demographers explained the difference between the U.S. and other industrialized countries by observing that America's population was more diverse, with more recent immigrants who had more children. But fertility levels among native-born white Americans also remain higher than among native-born Europeans, and the U.S.'s overall fertility outpaces that of other countries with a high percentage of foreign-born residents.

Demographers have also speculated that the higher fertility rate is a function of America's being a more religious country, reasoning that those who engage in organized religious activity favor larger families. One survey found 46 percent of Americans attending religious services regularly, compared with just 4 percent of Japanese, 7 percent of Swedes, and 16 percent of Germans. Yet fertility rates have remained stable in the U.S. even as they have plummeted in religious fundamentalist countries like Iran and Jordan, as well as in developing countries like Mexico, where rates of religious attendance remain higher than in America.

Faced with these contradictions, some scholars are now positing the distinctive nature of the U.S. economy and its labor market as a principal reason why Americans are having so many kids. "In general, women (and couples) are deterred from having children when the economic cost—in the form of lower lifetime wages—is too high," wrote economists Francesco Billari, José Antonio Ortega, and Hans-Peter Kohler in a 2006 study. "Compared to other high-income countries, this cost is diminished by an American labor market that allows more flexible work hours and makes it easier to leave and then reenter the labor force."

In Japan and many European countries with low fertility rates, government policies and cultural pressures on businesses make it difficult and expensive to lay off workers, instead promoting virtual guarantees of lifetime employment and early retirement. That, in turn, makes it harder to rehire those who have taken a break from work. Women are left with a difficult choice: either work full-time continuously and remain childless, or take time off to raise children and derail future employment opportunities. In Japan, 70 percent of women who leave the workforce to have a child never return. In low-fertility countries like Italy, Spain, and

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Greece, 40 to 50 percent of women are no longer working by 50. Over 70 percent of American women are still in the workforce at that age. In America, employers and workers have also proved far more innovative in designing work schemes that afford parents better reentry into the job market, including flex-time arrangements. One study found that in over 30 percent of families in America in which both parents work, one parent is not working the traditional nine-to-five schedule.

Some countries have tried to compensate for rigid labor markets by enforcing parental-leave policies that require companies to rehire mothers (and occasionally fathers) who've taken time off to have a child and by providing parents with state-subsidized child care when their leave expires. But while such policies do encourage women to work, they're enormously expensive and hurt economic growth. Norway spends an astonishing 2.7 percent of its gross domestic product on subsidized day care. Partly as a result, Norway and other Northern European countries with aggressive natalist policies are among the most heavily taxed in the developed world. Levies on the average worker amount to 44 percent of earnings in Norway and 48 percent in Sweden, compared with 29 percent in America. And high taxes put downward pressure on fertility by diminishing the disposable earnings that couples might choose to spend on child rearing. One study of Europe's plush pension systems, which require payroll taxes of up to 20 percent of earnings in some countries, found that the most expensive plans have probably diminished fertility rates by up to 1.6 children per couple.

While other developed countries shrink and age, America's population will grow by one-third through 2050, projections say.

The result of these disparities is a dramatically different demographic and economic future for the U.S. than for the rest of the industrialized world. While other developed countries shrink and age, America's population will grow by one-third through 2050, projections say. The working-age population in America will expand by some 45 million people even as it contracts by 100 million people in Europe and by 10 million in Japan. The economic boon to the U.S. could be significant: population growth has accounted for one-half to two-thirds of annual GDP growth in the industrialized world since World War II, according to Hewitt. By contrast, a shrinking population will cut Japanese and European economic growth by an average of nearly 1 percent annually by 2020, economists estimate. Shifting demographic patterns could also sharpen the American edge in innovation and entrepreneurship, as the pools of highly educated workers shrink in Europe and Japan and population growth shifts to areas of the world where education levels don't match America's.

There are a few worrying trends. The massive debt that the U.S. has piled up during the current economic crisis and the lavish new entitlement programs that Washington is considering could drive taxes much higher, depressing economic growth and potentially sending fertility rates tumbling. And a disturbing fact embedded in our high birthrate is that 35 percent of all American children are now born to single mothers—and the percentage is growing. Extensive research shows that children raised in single-parent households don't do as well in a range of areas, from school to work, and any sizable decrease in academic achievement or work-participation rates would erode the advantages of a growing working-age population.

Nevertheless, the United States faces a far less challenging task in maintaining its demographic balance in coming decades than most countries do. And the likely benefits of that stability will far outweigh many of the short-term economic concerns currently dominating headlines.

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A Not-Lost Generation

The current downturn won't spell doom for America's young workers.

Laura Vanderkam

As economic doldrums drift into a fourth calendar year, pundits debate which groups have been hit hardest. Retirees? Homemakers who have returned to work? Blue-collar men caught in the "Hecession"? To this list, another group has been recently added: the young and expensively educated. In October, for example, *BusinessWeek* ran a much-discussed cover story called "The Lost Generation," claiming that workers in their twenties were "bright, eager—and unwanted." Around Labor Day, the AFL-CIO published a report announcing that young workers were experiencing a "lost decade."

Some commentators have even raised the specter of what happened in Japan during the long recession of the 1990s. Japanese companies stopped hiring, many twentysomethings subsisted on contract work or parental largesse, and by the time the economy picked up, these young adults lacked the résumés to be attractive for career-track gigs. In Europe, chronically high youth unemployment, even in good times, likewise creates social instability. Now, American twentysomethings wonder, could it happen here? Is the U.S. economy about to waste the productivity of a whole generation?

Every year, about 1.5 million people graduate with U.S. bachelor's degrees. In general, they enter the labor market and assume that there will be enough desirable jobs to absorb them. But "in order for new entrants to find jobs, there have to be job openings," says Heidi Shierholz, an economist at the Economic Policy Institute, and there simply haven't been many. There were 2.4 million job openings advertised in August 2009, according to the Labor Department—the lowest number since it started keeping track in 2000. With 7.3 million jobs lost from December 2007 to October 2009, everyone "starts competing down the line," says Caroline Ceniza-Levine, owner of SixFigureStart, a career-counseling service. "If you have to look for people, why not look for the unsolicited, more experienced people who are coming in droves?" They take the entry-level jobs. That means that people who would normally seek entry-level jobs compete just to find "survival jobs."

A survey from the National Association of Colleges and Employers found that only 19.7 percent of members of the class of 2009 who had applied for jobs had one by graduation season, compared with 26 percent for the class of 2008 and a still-not-stunning 51 percent for the class of 2007. "No question, for many companies, college grad hiring is on hold," says John Challenger, CEO of outplacement firm Challenger, Gray and Christmas. (However, the unemployment rate for people with bachelor's degrees is still lower than for those with only a high school diploma—in October, 4.7 percent versus 11.2 percent.)

BRIAN SNYDER/REUTERS/CORBIS

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Recent U.S. grads are entering a tough job market, but history shows that most will achieve long-term success.

The result is an economic inefficiency: a mismatch between jobs and potential, particularly among the young. People who graduate during a boom are more likely to land jobs that challenge them to the extent of their abilities. The early years of a career are when people invest most heavily in building their skills, so young people landing these jobs work hard to meet high expectations. "For the rest of your career, you reap the benefits," says Lisa Kahn, an assistant professor of economics at the Yale School of Management. Society benefits, too, as these workers later use their human capital to create innovations for employers or launch their own start-ups. Even if these fortunate graduates lose their jobs at some point, they've built skills and connections in their chosen fields—attributes that make reemployment likely.

People who graduate during a recession, though, often have to take jobs that don't tap their potential. They develop the skills relevant to these lower-level jobs, rather than skills for jobs that would challenge them. Or they survive on help from family and don't learn much at all. If they switch to better jobs later, they'll be behind the learning curve.

Kahn's research has found that among American college-educated white men, every percentage-point rise in the national unemployment rate corresponds to a 6 to 7 percent reduction in initial earnings. This means that those who graduate when the unemployment rate is 10 percent will earn roughly 30 to 35 percent less in their first jobs than those who graduate when unemployment is 5 percent. While the unlucky graduates will close the gap over time, there will still be a 2.5 percent difference 15 years later. Since college-educated white men are a high-earning crew, this ongoing gap translated into more than $100,000 in lost wages over the 17 years that Kahn studied. As she says, "It really does matter when you graduated": it is much worse to

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experience a recession in your first year out of college than in your fifth.

Modern Japan had always had a low unemployment rate. But when its economy soured in the early 1990s, commentators observed a spike in "NEETs"—a British acronym for people "not in employment, education, or training." Most of the NEETs were 15 to 24 years old, and many assumed that these members of a pampered generation, raised in the well-to-do 1980s, simply didn't want to work. But perceptions changed as the recession dragged on. Newspapers began to carry tales of educated young people working on short contracts for subsistence wages.

A few years ago, Japanese corporations began hiring again, but they generally preferred to hire and train young people just graduating from school. This meant that the cohort that had graduated five to ten years earlier was out of luck. In 2002, the majority of NEETs were 25 to 34 years old; that is, they were the same people out of work when the recession started. A "lost generation" was born. (The term was coined much earlier and with a very different meaning, when Gertrude Stein applied it to American expatriates living in Paris after World War I.)

That recent American grads will follow this pattern is the worry of people like Kyle Griffin, a 2008 graduate of the College of Saint Rose in Albany, who is applying for roughly five jobs per day and has been living for months on weekly $350 unemployment-benefits checks. Or Honora Talbott, a 2007 magna cum laude graduate of Amherst, who moved to New York City in November 2008 and recently beat out 500 other applicants for a part-time job walking dogs. Few of the young people I spoke with for this article knew more than a handful of folks from the classes of 2008 or 2009 who had full-time jobs with benefits in their chosen fields. Scott Pierce, a 2008 Bates College grad who lives in San Francisco, describes a recent party for his school's alumni: "All the people from 2009 who were at the thing were from San Francisco and were living at home," he says—that is, none of the guests had moved to the Bay Area for a job.

In the meantime, unemployed young people are creating a fascinating online literature of unemployment. Pierce blogs at a site called Tales from the Recently Laid Off, where he tries to "find humor in things that aren't funny." He's joined by the scribes at such colorfully named sites as Pink Slips Are the New Black, Stuff Unemployed People Like, and the 405 Club (named for the maximum weekly New York unemployment check at the start of the recession). But such creativity is cold comfort for those who "have the misfortune of being born at a time that dumps them into the labor force at the exact worst time in 70 years," as Shierholz puts it.

Despite the recent spike in unemployment for educated young Americans and the prospect of somewhat lower wages over time, a true lost generation is unlikely here. One reason is that you can game when you enter the labor market by staying in school. This partly explains why people graduating during a recession narrow the wage gap with their luckier competitors: people who earn graduate degrees, which more people do during a recession, tend to earn more than those who don't.

A stronger reason to expect that today's college grads won't remain unemployed for long is the relative structural dynamism of American capitalism—above all, the extraordinary flexibility of the U.S. labor market. The World Bank Group ranks the United States as tied for first place in the world in "employing workers" (that is, labor flexibility). Not only do American companies have a lot of freedom to hire and fire; payroll taxes are relatively low by international standards (7.65 percent for Social Security and Medicare, plus federal and state unemployment-insurance premiums, which vary but seldom add more than a few percentage points to the total). And as the ranks of independent contractors grow, many companies don't face even those costs (or health-insurance costs) for their workers. "Our system is so much more flexible," says Challenger. "People are like free agents here—there's a lot less safety in your career, but the real upside is that people can then move into these jobs when times are better." And when

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times are better, the American economy is quite good at creating jobs.

In Japan, by contrast—which ranks 40th in the World Bank Group's "employing workers" standings—lifetime tenure at one company remains the norm, and it's difficult to get a job except immediately after leaving school. The Japanese labor market is like a sold-out show in a theater: people arrive before the curtain rises, sit in their chairs, and don't leave. Anyone coming late tends to lose out. In France, which ranks 155th, many labor contracts severely limit hours and flexibility, high payroll taxes fund workers' benefits, and social policy makes layoffs very difficult. Germany, in 158th place, has many similar policies. If you wanted to extend the theater analogy, you might add that in both France and Germany, the seats are so expensive to build that there aren't enough of them for those who aren't impeccably credentialed.

One reason to expect that today's college grads won't remain unemployed is the dynamism of American capitalism.

An economy needs entrepreneurs to start companies and absorb new workers entering the labor market, and such risk-takers don't appear in a vacuum: countries have business climates that are more or less amenable to them. The World Bank Group ranks these business climates, and also the ease of starting a business, in the 183 countries that it studied; the U.S. places fourth and eighth, respectively. Japan, with its cultural preference for large national corporations and lifetime tenure, ranks 91st in the ease of starting a business; Germany, at 84th, isn't much better.

A final reason for today's young people not to lose hope: the U.S. unemployment rate hit 10.8 percent in 1982. At the time, one might have thought that people born in 1960 would become a lost generation. But today's 50-year-olds don't appear lost in their careers.

Of course, if you have a good seat in that Japanese or European theater, you might not think it's a bad arrangement, and plenty of Americans want more Japanese-style stability or European-style labor protections. President Obama's advisors appear to be among them. Among the ideas that they have floated are higher income-tax rates for high earners (which most entrepreneurs aspire to be) to fund new benefits, new payroll taxes for businesses that don't provide health insurance, and proposals to make organizing easier. In recent years, America has also seen campaigns to guarantee workers several weeks of paid vacation per year and to require even microenterprises to grant leave for caregiving and illnesses. And Congress declined to repeal a previously scheduled hike in the minimum wage this past July.

Some of these benefits are great if you have a job, and some may be socially desirable for other reasons, but all will have an inevitable economic result. Anything that makes it more expensive to employ people, or raises the cost of getting rid of them, or makes entrepreneurship less rewarding, will raise structural unemployment. And the damage will likely be most severe among those coming late to the theater—young workers. Take the French laws that make it difficult to downsize workers. "When it's not employment for life, if an employer feels like they can let a worker go in an extreme situation, [the employer] is more likely to take a risk on a young worker," says Kahn, the Yale economist.

Since he announced his candidacy, Barack Obama has been a favorite among American young people. He won 66 percent of the 18- to 29-year-old vote. He may have won other demographics because devoted young volunteers lobbied their parents, cajoled people to the polls, and spread the word through Facebook. It would be ironic if his policies wound up damaging the employment prospects of his biggest fans.

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The *Ramparts* I Watched

Our storied radical magazine did transform the nation —for the worse.

Sol Stern

In 1965, I was a Berkeley graduate student, on track to become a tenured radical. Instead, I dropped out and joined an obscure, liberal Catholic magazine called *Ramparts*, headquartered in the sleepy Bay Area suburb of Menlo Park. A little more than a year later, I wrote a story exposing the CIA's secret penetration and financing of the National Student Association (NSA). The article helped catapult our now-radical, San Francisco–based monthly to national attention and to a catalytic role in the protest movements of the time. The mainstream press celebrated my leftist colleagues and me as heroes of American journalism. *Ramparts*' rise to celebrity status seemed to herald a new era of the media's speaking truth to power. The reality was far less luminous, and *Ramparts*' legacy, which a new book celebrates, was not a positive one for the country.

I still remember the phone call I received one evening in February 1967 from an old classmate at the City College of New York. He had just picked up the next day's *New York Times* at a Manhattan newsstand and noticed a front-page picture of me and fellow *Ramparts* editors Warren Hinckle and Robert Scheer. "It's above the fold," my friend exulted, and then read out the headline on the accompanying article: RAMPARTS: GADFLY TO THE ESTABLISHMENT. The photograph, taken in *Ramparts*' San Francisco office, was captioned PLANNING THE NEXT EXPOSE.

AP PHOTO

There would be no more *Ramparts* exposés of CIA front groups. The media heavyweights now pursued the story far more effectively than our monthly magazine could have. Tom Wicker, the *Times*'s prizewinning D.C. bureau chief, assembled a team of experienced reporters to follow the money trail from the CIA-connected foundations named in my *Ramparts* article. The *Washington Post* jumped in with its own reporting team. Turning up new connections almost every day, the newspapers described how legitimate tax-exempt foundations laundered millions of dollars from the CIA and passed the funds to an agency-designated list of civic and cultural

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A young Sol Stern (center) plans his next attack on the establishment with *Ramparts* colleagues Warren Hinckle (left) and Robert Scheer.

groups, labor unions, magazines, and book publishers.

It soon became clear that the CIA/NSA relationship was just one thread in an elaborate web of citizen front groups secretly supported, and sometimes even created, by the spy agency in the early days of the Cold War. Other beneficiaries of CIA largesse were highbrow magazines like *The New Leader* and *Encounter;* the international operations arm of the American Federation of Labor; and the American and European sections of the Congress for Cultural Freedom, the anti-Communist organization founded in 1949 by public intellectuals such as Arthur Koestler, Sidney Hook, and Arthur Schlesinger, Jr. The top-secret project had been approved at the highest levels of the U.S. government.

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Until the *Ramparts* story broke, the government could count on the mandarins of Washington journalism to protect national-security secrets. But as details of the front groups spilled out, editorials in the *Times* and the *Post* skewered the secret funding arrangement and compared it with the methods used by America's Cold War enemies. CBS News broadcast a program narrated by Mike Wallace, "In the Pay of the CIA: An American Dilemma," which described the maze of CIA-connected foundations and civic groups that had received agency money. Wallace interviewed apologetic American liberals who had been active in the funded organizations, including feminist stalwart Gloria Steinem and socialist leader Norman Thomas. According to one CIA operative, the *Ramparts* scoop led to "the biggest security leak of the Cold War."

Ramparts won a prestigious George Polk Award in Journalism that year, and newsstand sales shot up to more than 200,000 per issue, unheard-of circulation for a leftist publication. Paid advertising picked up, and so did the number of wealthy liberals eager to invest in our exotic venture. For *Ramparts*, the mission continued to be part journalism, part radical activism. Student rebellions and antiwar protests were sweeping campuses, and the Black Panthers were stirring up inner-city ghettos. *Ramparts* reported on and advocated for these outbreaks with a flair for publicity that we leftists would otherwise have denounced as a malignancy of consumer capitalism.

The magazine's resident marketing genius was our flamboyant editor in chief, Warren Hinckle. Still in his twenties, Hinckle was a third-generation San Franciscan with working-class roots, a former city reporter for the *San Francisco Chronicle*, and the only *Ramparts* editor with traditional journalism training. He wore a black eye patch (the result of a childhood injury), expensively tailored three-piece suits, and patent-leather dancing pumps. He looked like a dandy, yet hung out with cops in the city's Irish bars.

When we had learned from our source inside the NSA that the student group was about to preempt our story by announcing that it had severed the CIA relationship, it was Hinckle who came up with a brilliant maneuver to save our scoop. The full article, scheduled for the March 1967 issue, was tied up in the monthly production cycle. So Hinckle purchased a full-page ad in the *New York Times* that detailed most of the exposé. His counterstroke caught NSA and CIA officials off guard, as reporters for the *Times* and other papers began calling with questions about the secret funding.

Later that year, some of us were sitting around Hinckle's office, discussing how to dramatize the story of the young protesters burning their draft cards at antiwar rallies. I proposed that we burn our own draft cards in solidarity. Hinckle agreed and then put his P. T. Barnum gloss on the idea. He collected the draft cards of the four editors listed at the top of the magazine's masthead—Hinckle, Scheer, myself, and art director Dugald Stermer—and shipped them off to Carl Fischer, one of New York's leading photographers. Fischer hired professional models and shot a studio photo of four raised hands holding our burning draft cards, with our names clearly visible. The image became the cover—no text—of the December 1967 issue. Hinckle then ran the photo as an ad on the sides of New York City buses.

I don't know if burning our draft cards advanced the antiwar cause, but it surely added to *Ramparts*' media luster. *Time* blasted our "publicity stunt," giving us lots more free publicity. Then the U.S. attorney for the Southern District of New York apparently concluded that we had violated the Selective Service Act. His inclination to pursue the matter in court was doubtless reinforced after FBI agents visited our photographer's studio and were told that our partly burned cards had been conveniently preserved in a drawer.

The four of us soon had invitations to appear at a federal grand jury convened at the Foley Square courthouse in lower Manhattan. The government paid our round-trip airfare from San Francisco. On the way, we stopped in Washington to hire Edward Bennett Williams, a celebrity defense lawyer and D.C. power broker.

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In New York, we checked into the stylish Algonquin Hotel for a few fun-filled days in Gotham. The Algonquin was virtually our second headquarters; we stayed there whenever we were in town, no doubt because Hinckle liked the association with the legendary *New Yorker* writers of the Algonquin Round Table of the 1920s and 1930s.

Even before our grand-jury date, *Ramparts* received yet another publicity boost from the *New York Times*. The paper's legal reporter, Sidney Zion, was friendly with several *Ramparts* editors, so we gave him the scoop on the government's draft-card investigation. His story ran on the *Times*'s front page and quoted legal scholars speculating that prosecution of the *Ramparts* editors would be a landmark free-press case. After the *Times* made us look like incipient First Amendment heroes, we appeared before the grand jury, took the Fifth Amendment on advice of counsel, and flew back to San Francisco. We never heard from the government again.

I don't know if burning our draft cards advanced the antiwar cause, but it surely added to *Ramparts'* media luster.

But the press attention and the surging circulation couldn't save *Ramparts* from a fall from grace—and it wasn't government repression that brought us down (though CIA snoops did penetrate our office) but our own folly. The changing media climate could certainly have sustained a fiscally responsible mass-circulation New Left publication. But responsibility and restraint were alien words in the *Ramparts* offices. There were too many Algonquin Hotel junkets, flights around the world chasing stories that never panned out, and three-hour, booze-filled lunches at the priciest restaurants in our San Francisco neighborhood. Anyone who came to *Ramparts* with an "inside-the-establishment" exposé—like the Green Beret from Vietnam who wrote about why he had quit, or the ex–FBI agent who promised to prove that the CIA was behind President Kennedy's assassination—not only wrote for the magazine but became a permanent staffer, adding to *Ramparts'* ever-swelling payroll.

Ramparts' final binge came in August 1968. Throughout that politically tumultuous year, we had sought to cover the street protests and the antiwar insurgencies roiling the Democratic Party. Now, with *Ramparts* running on fumes and the great American credit card, Hinckle decided that we had to be in Chicago to do a special issue on the Democratic National Convention. After all the ferment that *Ramparts* helped stir up, it seemed inconceivable that we would miss the ruling party's *Götterdämmerung*. Hinckle not only sent at least ten *Ramparts* writers, editors, and photographers to the Windy City; he also invited a cadre of our media friends to join the festivities, including Zion, future Pulitzer Prize winner Sydney Schanberg, and an about-to-be-famous writer named Hunter Thompson.

Our close ties to the radical antiwar movement led us to believe that we would have an insider's perspective on the street combat. But we spent little time on the streets. Instead, we took a dozen rooms at the luxurious Ambassador East Hotel on the Gold Coast and often took our meals at the hotel's Pump Room, where a huge black man, dressed in the full regalia (including scimitar) of a palace guard for an Ottoman sultan, greeted guests. Not surprisingly, our radical friends out on the streets expressed outrage at our flagrantly decadent quarters. After a week of bloody riots, Hinckle moved the entire operation to the Algonquin in New York—our home away from home—to write the Chicago story.

The project was doomed from the start. Even if *Ramparts* had been financially solvent, our monthly magazine had little chance of adding any insight to one of the decade's most thoroughly covered events. Moreover, many mainstream reporters, now feeling liberated by the

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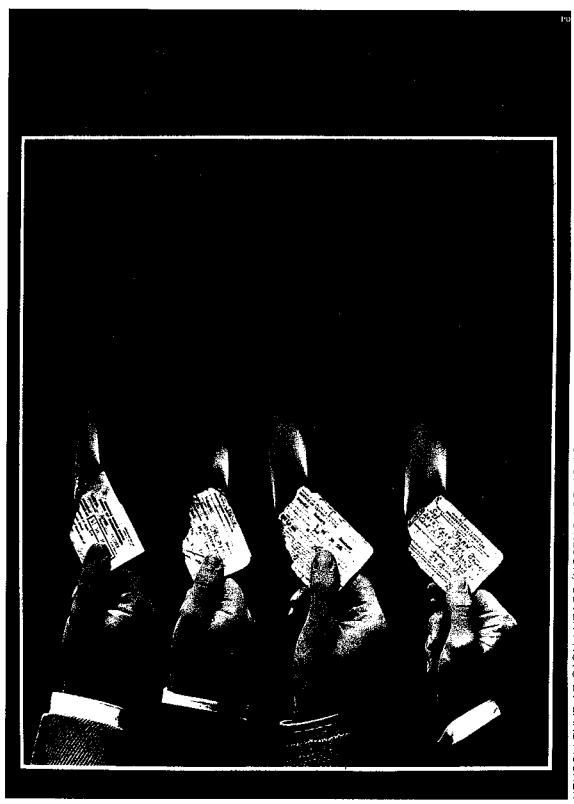
CIA revelations and their own newspapers' increasingly critical coverage of the Vietnam War, were as sympathetic to the protesters as we were. And for political reasons, *Ramparts* was unwilling to publish the one story we *did* have exclusively: how Tom Hayden and a small group of radicals had set up shop in Chicago four months earlier to plan a massive violent confrontation with the "war machine," otherwise known as the Chicago Police Department. When our 20,000-word convention spread came out at the end of September, it was stale news. By then, the creditors were pounding on *Ramparts*' doors, and our financial backers were asking pointed questions about how their money had disappeared down the drain at places like the Pump Room.

I never understood why Hinckle was so reckless with the magazine's future. What I do know is that the miracle of the capitalist system's bankruptcy laws insulated the editors from the consequences of that recklessness. Hinckle went off with Zion to start another muckraking magazine called *Scanlans*. The new monthly raised $1 million and published nine issues. The remaining *Ramparts* editors filed for protection and reorganization under Chapter 11. The court-ordered financial oversight allowed the magazine to continue publishing. But *Ramparts* soon found itself beset by internal strife—a common occurrence in the radical movements of the time. Scheer briefly became the new chief editor, but was ousted in a coup orchestrated by David Horowitz, Peter Collier, and other staffers, many of them former Berkeley graduate students whom Scheer himself had recruited.

I wasn't around for the bloodletting. After the convention fiasco, *Ramparts* began to feel like a straitjacket, and I decided to try my hand at freelancing. I hadn't yet broken with the Left, but it disturbed me that *Ramparts* would stretch or deny the truth to sell our counternarrative about America and the world. After all, we were keeping secrets for Tom Hayden as loyally as the mainstream-media barons had once kept them for the CIA. I winced when Scheer made a deal with the Cuban government for the rights to



RAMPARTS COURTESY OF GUY STILSON. COVER PHOTO BY CARL FISCHER

Che Guevara's diaries that required us to publish a Fidel Castro rant, filled with Communist propaganda and denunciations of American "barbarism." Other rosy articles we ran about the true socialism supposedly emerging in Castro's Cuba also appalled me. Weren't we supposed to be the *New* Left, as opposed to Communist tyranny as we were to U.S. imperialism?

I also felt partly responsible for creating the myth of the Black Panthers as righteous rebels fighting off brutal police oppression. In 1967, I wrote a hagiographic profile for *Ramparts* of Huey Newton, the Panthers' "minister of defense," and then published basically the same article in the *New York Times Magazine*—yet another indication of the changes in the mainstream media. It soon become clear to anyone who cared to look, however, that Newton and the Panthers were clever street thugs who used revolutionary slogans to avoid accountability for their crimes. As one of the New Left's favorite black criminals, Soledad Prison inmate George

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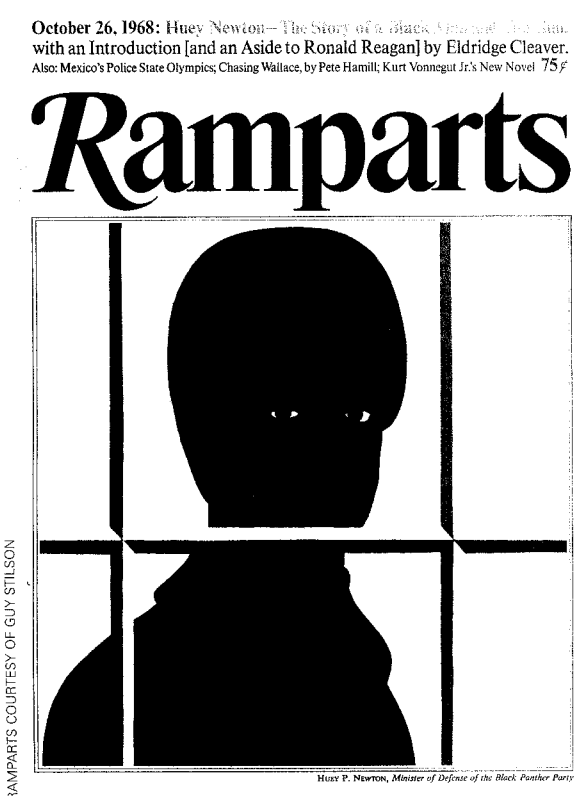
October 26, 1968: Huey Newton—The Story of a Black
with an Introduction [and an Aside to Ronald Reagan] by Eldridge Cleaver.
Also: Mexico's Police State Olympics; Chasing Wallace, by Pete Hamill; Kurt Vonnegut Jr.'s New Novel 75¢
Ramparts
HUEY P. NEWTON, Minister of Defense of the Black Panther Party

RAMPARTS COURTESY OF GUY STILSON

Jackson, once put it, "Marxism is my hustle." After my Newton article, *Ramparts* ran three more celebratory cover stories on Panther leaders—Eldridge Cleaver, Bobby Seale, and (again) Newton.

When I learned that Horowitz and Collier had taken the *Ramparts* helm, I assumed that the magazine would become more intellectually serious, if somewhat duller. Unfortunately, Horowitz and Collier drank the Kool-Aid served by the Left's most destructive elements. They published Hayden's drivel calling the Black Panthers America's "internal Viet Cong," along with his exhortation for radical white youth to create "liberated zones" in cities and on campuses to serve as sanctuaries for their heroic Panther allies. *Ramparts*' new editors then topped this foolishness with their own, proclaiming Hayden "one of the country's most serious revolutionaries." To me, the lasting image of *Ramparts*' second incarnation was a cover depicting a burning Bank of America branch in Southern California. The radical students who firebombed it, said the accompanying text, "may have done more for saving the environment than all the teach-ins put together."

was living and reporting in Israel in 1975 when I learned that *Ramparts* had finally closed its doors. I breathed a sigh of relief. By then, I no longer considered myself a leftist—in no small measure because of the Left's growing hostility to Israel. In the early 1980s, Horowitz and Collier also had their much-publicized *Second Thoughts*, as they titled their book, and became prominent movement conservatives. In his powerful 1997 memoir, *Radical Son*, Horowitz devoted several chapters to his years at *Ramparts*. With brutal honesty, he explored the catastrophic consequences for the possibility of a decent Left that resulted from *Ramparts*' misalliance with the Panthers and Hayden.

The more romantic assessment of *Ramparts*—that its spectacular rise in the 1960s represented a great leap forward for American democracy—runs through a new book by California writer and historian Peter Richardson. *A Bomb in Every Issue: How the Short, Unruly Life of* Ramparts *Magazine Changed America* has stirred renewed interest in the magazine's legacy, particularly in California, and has been reviewed favorably (twice) in the *New York Times*. To publicize the book, the author organized several public forums featuring Hinckle, Scheer, and other *Ramparts* alumni.

Collier, Horowitz, and I weren't part of the conversation. Too bad, since we might have forced a reality check on the celebrations. At one recent session on the Berkeley campus, Scheer (who became the resident leftist columnist for the *Los Angeles Times* after leaving *Ramparts*) assured the audience that *Ramparts* not only smashed retrograde national taboos but "had very high standards. No question we were putting out as good a journal as anyone in the country. . . . We were edited by professionals, it had to be well written, fact-checked. And the fact is that we did not screw up. I can't think of a major error."

Richardson nodded approvingly as Scheer spoke. Yet as I watched the forum online, I

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wondered what he was really thinking. I knew Richardson only through a long telephone interview he did with me in March 2008. My impression then was that he was a California "progressive" and that his book would reflect the judgments of the vast majority of the magazine's former staffers who remained on the left. Nevertheless, I shared everything I could remember with Richardson, gave him my view of *Ramparts*' legacy, and hoped for the best.

When I read his book a few months ago, I was pleasantly surprised. Richardson gets most of the facts right about the major developments in the magazine's 13-year history. He quotes at length my comments on the Chicago convention fiasco, which stand in the book without refutation. Perhaps unwittingly, Richardson also provides sufficient material to make a mockery of Scheer's claims of rigorous fact-checking and no major errors. Readers can learn from the book, for example, that Hinckle indulged every crackpot conspiracy theorist on the JFK assassination. Early in 1967, *Ramparts* published staff member David Welsh's claim that there were three assassins in Dallas in 1963. Our resident ex–FBI agent, Bill Turner, then wrote two articles supporting New Orleans DA Jim Garrison's theory that Lee Harvey Oswald was a CIA agent controlled by conspirators deep within the U.S. government. "Very high standards," indeed.

But more important than *Ramparts*' accuracy or lack of it is the historical claim in Richardson's subtitle—that *Ramparts* "changed America." Richardson argues that it was Scheer's arrival at *Ramparts* in 1965 that "would change the magazine's trajectory and the nation's." But when Richardson tries to specify what national changes Scheer and *Ramparts* actually stood for, the best he can offer is that for Scheer, "the main point of *Ramparts* was to apply what he had learned at City College about the American system, including the first amendment, limited government and checks and balances. . . . As for foreign policy Scheer's main point was that other countries, including Cuba and Vietnam, should be allowed to make their own histories without interference from the United States."

This is either naive or deliberately misleading. I speak with some expertise here, since Scheer and I were friends at City College in the late 1950s. We worked together in campus political groups in what was, for us, a prelude to the next decade's New Left. We also took the same classes in the college's government department, which did teach us about the Republic's founding principles of checks and balances and limited government. But the passions that moved us were not those that moved the Founders. We were not liberals. We were socialists and anti-imperialists—though we distinguished our brand of socialism from that of the pro-Stalinist Left, which was still well represented at City College.

In 1962, Scheer and I reunited as Berkeley graduate students and, together with David Horowitz, started one of the first campus New Left journals, *Root and Branch*. Our signature issue was support for the Cuban Revolution, but it wasn't because we thought Cubans "should be allowed to make their own history." Rather, we believed that the revolution was a great leap forward for the socialist cause. We followed the lead of one of our intellectual heroes, Columbia University sociologist C. Wright Mills, in arguing that Fidel Castro was a new breed of revolutionary leader—more humanist, more open, even more hip than old-style bureaucratic Communists. In fact, we imagined Fidel and Che as fellow New Leftists.

Long before American liberals took up the cause, Scheer argued eloquently in *Ramparts* for getting out of Vietnam. I suppose you might say that such a withdrawal would have let the Vietnamese people "make their own history." But the real reason that *Ramparts* was for total withdrawal of American troops was that we wanted the Communists to win and were sure that they would. In the view of most of the editors, the Communists were Vietnam's rightful rulers. One of the most effective *Ramparts* covers was an illustration of Ho Chi Minh as George Washington crossing the Delaware.

The magazine's liberal Catholic founder, Edward Keating, had chosen the name "Ramparts" in 1962 because it evoked the national

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anthem's patriotic themes. Just so, Richardson argues, "*Ramparts* in its heyday was centrally concerned with American ideals—and especially the nation's collective failure to live up to them." I wish that were true. But like so much else about *Ramparts*, this claim is posthumous spin. Instead of urging Americans to take pride in the founding ideals of the Republic, *Ramparts*' editors and writers were preoccupied with attacking America's liberal institutions.

Above all, we hated the "Cold War liberals"—at times, even more than we did the political Right. Under assault from *Ramparts* and the rest of the youthful New Left, these liberals lost their nerve. The CIA revelations and the Vietnam debacle left them chagrined and repentant. Soon, many lost faith that American power could ever be used for good. That liberal failure of nerve has been harmful to the country. Worse, it rests on a faulty reading of history. Contrary to the *Ramparts* line, Cold War liberalism deserves credit for the greatest American achievement since World War II—winning the Cold War.

Philip Graham's oft-quoted observation that journalism is the first draft of history applies with particular emphasis to the story of the CIA front groups. In the second draft of the story, historians plumbing the archives are learning that the American government's secret decision to mobilize and fund anti-Communist groups was an indispensable part of the Truman administration's policy of "containment" against the Soviet threat. George F. Kennan, the foreign-service officer who famously authored the policy, assigned to the CIA-funded groups the most crucial role in the strategy.

To understand why Kennan (with President Truman's support) initiated the secret CIA program, recall that in 1949, Communist regimes, most of them closely allied with Moscow, ruled a third of the world's people. The Soviets could count on a vast network of its own front groups, well organized from Moscow and already hard at work trying to undermine the fragile postwar democracies of Western Europe. The theory of containment assumed that America would block any Soviet military encroachments while carrying on the anti-Communist struggle in the political, economic, and cultural spheres. If the U.S. succeeded, we could defeat Soviet Communism without risking nuclear confrontation.

And that's exactly what happened. One can argue about the ethics of the secrecy used to carry out the operation, but not about the results. It's not a stretch to say that the full success of the containment policy, with its front-group component, was symbolized by the fall of the Berlin Wall two decades ago.

The liberal failure of nerve that *Ramparts* helped engender lives on, hampering the country.

ut this wasn't yet clear in 1967. In an early iteration of the moral-equivalency syndrome that many liberals today still embrace, *Ramparts* could pitch the CIA/NSA story as a morality tale exposing the perfidy of Cold War liberals. The CIA was no better than the KGB. They spy, we spy. They manipulate their students and intellectuals for national advantage, and we do, too. Logically, then, it's the Cold War itself that's the threat to American values, not our Cold War enemies.

The updated version of that syndrome maintains that the War on Terror, not the Islamist movement that seeks to bring down our civilization, is the greatest threat to our values. So I concede that Richardson is right in saying that *Ramparts* changed America, particularly the nation's political and media culture. But the influence was mostly baleful. The liberal failure of nerve that *Ramparts* helped engender lives on, hampering the country at a time when our leaders must consider courageous policies, including the possible use of force, to prevent catastrophic threats to our nation and the West in far-off places like Iran.

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Invasion of the European Economists

A generation of free-market exiles has made the U.S. campus its home.

Guy Sorman

One-third of the faculty of Harvard University's economics department hails from Europe. At the University of Chicago's Booth School of Business, half of the finance department's faculty is European. And these schools aren't alone: European economists are overrepresented at all first-tier American universities and have had a huge influence on economic thinking, doing cutting-edge research in areas ranging from modeling financial markets to assessing risk.

These academics—most of them young rising stars escaping the mediocrity and politicization of economics departments in their countries of origin—see top American schools as the best places to study and teach. "When one wants to become a real economist, to accumulate knowledge and recognition, one has no choice but the United States," says Chicago's Luigi Zingales, an Italian who is a leader in the hot field of financial regulation. He's right—for the time being, anyway.

Many of the Europeans first came to the U.S. as graduate students, frustrated by the limited options offered by European universities. "I was initially trained at Brussels Free University," says Zingales's colleague Marianne Bertrand, who has been at the Booth School since 2000. "But when I decided to go for a Ph.D. in the 1990s"—she earned hers from Harvard in 1998—"the U.S. was the only sensible destination." Getting a doctorate in her native Belgium was unappealing, she explains, because students were left on their own, with little academic support or oversight; many Ph.D. candidates she knew became discouraged after a few years and gave up. In the U.S., by contrast, the university was geared toward the student. Professors were approachable; research facilities, including libraries, were first-rate; and financial and other assistance was readily available.

COURTESY OF THE UNIVERSITY OF CHICAGO, BOOTH SCHOOL OF BUSINESS

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In America, "ideologies do not dictate our research or our teaching," says the University of Chicago's Marianne Bertrand, a Belgian import.

Thirty years ago, when he was an undergraduate studying economics at Milan's prestigious Bocconi University, "nobody even knew what an economics Ph.D. was," recalls Alberto Alesina, who earned his M.A. and Ph.D. from Harvard in the mid-eighties and today is a tenured professor there, an expert in macroeconomic theory. In a pre-Internet era, European students weren't aware of all the possibilities in the U.S.—it was hard even to find application forms. Alesina applied to Harvard, MIT, and Princeton only because he had heard of the schools. As recently as ten years ago, notes Christian Hellwig, a young German economist at UCLA, "no German university was delivering an internationally recognized Ph.D. in economics." (Hellwig did his graduate work not in the U.S., however, but at the London School of Economics.)

Nor did Europe offer much appeal once the doctorate was in hand. Zingales tried to return to Italy in 1984, after completing his degree at MIT, but the best job offer he could get was a mediocre research assistantship at a second-rate university. Twenty years later, he might have won tenure at the school, he says, but only if he had the right connections. Even the best Italian universities—and this was true of European schools in general—were dominated by autocratic and hierarchical traditions. Without belonging to the right academic network and having the right sponsors, career progress was difficult, if not impossible.

Obsolete and disproved Marxist and socialist thinking also remained strong within European universities, including in economics departments. Many young economists, scientifically oriented and so recognizing the superiority of free markets, found the climate intellectually stultifying. It remains the case that most French and Italian universities teach economics as a philosophical subject—with opinions mattering as much as facts—not a scientific subject. A Keynesian, statist perspective still dominates most European curricula: free-market professors are an embattled minority.

merican economic departments were—and are—much more rigorous and nonpartisan by comparison. Yet isn't there an ideological

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opposition between, say, the University of Chicago, known as a cradle of free-market theory, and Harvard, a supposedly liberal campus? "This perception hasn't much to do with reality," Bertrand responds. "We are scientists, above all; ideologies do not dictate our research or our teaching." Alesina, a strong proponent of markets, agrees: "The notion of Harvard being liberal and Chicago free-market doesn't coincide with academic reality."

Another comparative advantage of top-tier U.S. departments is their comprehensive quality. "There is not one field," says Alesina, "where you could not meet a leading expert right there on campus." This holds only for the leading schools, of course—maybe 20 have reached the critical mass of students and faculty to cover the whole range of economic research—but for fertile concentrations of talent, nothing beats them. Small wonder that since 1980, 39 of the 47 Nobel Prize winners in economics were professors at American schools. (Of those 39, by the way, several were originally European, including the University of California at Berkeley's Gérard Debreu and MIT's Franco Modigliani.)

The best European Ph.D. students also remained in the U.S. for a more down-to-earth reason: very generous job offers. "I initially had no intention to become a university professor, or to stay in America," says Bertrand. While studying at Harvard, though, she discovered that an academic in the U.S. could have a financially rewarding career—indeed, that in America, unlike in Europe, the best economists took jobs not with the government but with universities. She accepted the position at Chicago and has become a star in the field of labor economics. Bertrand expresses one reservation about her employer: she feels somewhat "isolated from the real world." This has a lot to with the Booth School, she adds, because its main purpose is research; were she at Harvard, which is more policy-oriented and has a long tradition of scholars moving back and forth between the government and the university, she might feel differently.

Columbia University's Pierre-André Chiappori, a citizen of Monaco, confirms the financial benefits of teaching in the United States. A tenured professor at a major American university, he observes, will likely earn four times what he would make in Europe. And elite American universities will aggressively pursue top talent, as Chiappori's personal experience shows. Until his late thirties, he was a respected researcher at Paris's National Scientific Research Center, working in financial risk assessment. At first, the U.S. wasn't on Chiappori's mind as a career option; indeed, he hardly knew America. But in 1992, he delivered the keynote address at a European conference attended by the University of Chicago's leading economist, Gary Becker. Impressed, Becker quickly called Chiappori and said it would be an honor to have him at Chicago. That's something hard to imagine happening in France, says Chiappori. "Chicago made an offer I could not resist," one that included a position for his wife, Kristina Orfali, a medical ethicist. Why, then, would Chiappori leave Chicago in 2006 and land at Columbia? "Once again, my wife and I received an offer we could not resist," he says.

Academic life in the U.S. is determined by competition at all levels, he adds. "It's often said that American universities recruit only the best among the Europeans. I would say instead that we become better because we are immersed in permanent competition. I would have been better at what I do if only I had come earlier to the U.S."

One more benefit of American universities is competent administration. Economists don't require equipment as sophisticated as biologists' or physicists', but they do need working computers. "When my computer is down at Columbia, it gets repaired in an hour," Chiappori tells me. "In Paris, it would take a month." Efficient management also helps secure the research grants that are seminal to cutting-edge academic work. "In France, I could get grants, but it would require weeks of bureaucratic work," he explains. "In the U.S., one can focus on the substance of the research request, and the administration then takes over and smooths the bureaucratic process for you."

The leading American universities may have the edge that Chiappori and others describe, but they are losing it," Hellwig claims. A well-

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regarded scholar of monetary and financial institutions, Hellwig has decided to leave UCLA and return to Europe—not to his native Germany, however, but to Toulouse University's department of economics in southern France. "We Europeans look at a global map," he says, "and we see new centers of excellence emerging in Europe, though not necessarily in our countries of origin." Toulouse is one such center, thanks to the imaginative leadership of its president, Jean Tirole (formerly of MIT). Tirole's cultivation of financial support from local companies has enabled the public university to make an offer that competes with Hellwig's wages at UCLA. Bonn and Mannheim Universities in Germany, Bocconi in Milan, and Pompeu Fabra in Barcelona are other rising European centers in economic research, and the Paris School of Economics could soon follow.

"Many European academics would prefer to live in Europe if they were offered a satisfying position," says Hellwig. Toulouse's bid appealed to him not only because it represents a satisfactory academic position but also because it enables him to live a life he craves, far from "the constant U.S. pressure for results." Further, technological advances have made belonging to a talent-rich U.S. economics department less essential to academic cross-fertilization. "I can live in France and still communicate on a daily basis with any of my colleagues in the world," Hellwig says. He also can fly to any significant academic symposium he needs to attend.

Even more challenging to U.S. research leadership are the European Research Council's new research grants. It remains a Kafkaesque nightmare to get them, Hellwig says, but "for twice the hassle you obtain four times as much as in the U.S. for a similar project."

Is Hellwig an isolated case, or does he portend a more general trend? "Ten years ago," Alesina maintains, "returning to Europe meant that you had failed in the U.S.; this is no longer the case." Europe is awakening to a challenge, agrees Zingales. Bertrand thinks so, too, though she notes that European schools aren't yet ready to make attractive offers to professors' spouses as well.

American schools could find themselves financially squeezed, too, leveling the playing field somewhat with Europe. Before the current financial crisis, U.S. universities' endowments had swollen to gigantic size, encouraging many to go on a building binge and recruit faculty with abandon. That time is over. With endowments massively diminished by the downturn, most schools have frozen faculty wages and downsized the administrative workforce, and research grants are shrinking. But while he sees some difficult years ahead, Alesina, for one, doesn't think that U.S. universities will lose their edge. "It will take years before European universities can really compete," he says. "The mistake in Europe is to try to improve mediocre existing universities," Zingales believes. "It would be more efficient to create brand-new elite institutions." But this would collide with the European passion for equality, which has kept universities open to every student, regardless of ability, and made "selection" a dirty word—a major stumbling block on the path of higher academic achievement.

Could Asia be the next destination for wandering economists? China and South Korea are pouring money into vast new universities, but size does not guarantee quality. At best, Asian schools may be able to lure back some of their U.S.-trained economists to build internationally recognized programs. Like the improvement of Europe's schools, though, such a process will take years. Further, Alesina has noticed at Harvard that even when good Asian economics students return home, they tend to join the government or private firms rather than pursue academic careers.

Still, competition is clearly growing. Traditionally, universities competed to attract the best teachers, researchers, and graduate students—and American schools usually won the competition, helping make them the world's leaders in economics and many other fields. They soon will have to fight harder to keep the upper hand. And the battle for talent, it's worth adding, will increasingly be waged at the undergraduate level, with the global competition for intelligence starting at a younger and younger age. For years, economists have studied the effects of globalization and worldwide markets; more and more, they're feeling those effects themselves.

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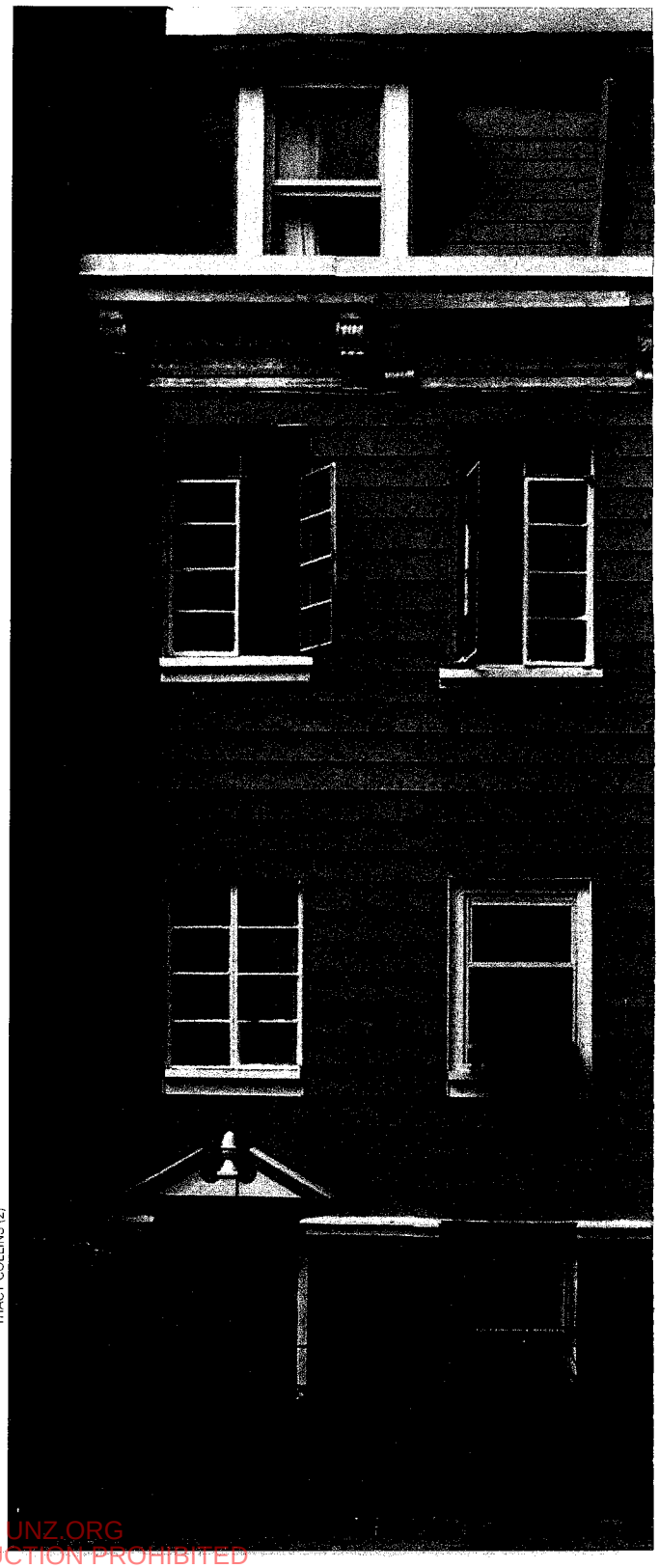
Eminent Domain as Central Planning

Wielding creative definitions of blight, New York runs roughshod over property rights and uproots viable neighborhoods.



TRACY COLLINS (2)

Houses to be condemned to make way for Atlantic Yards in Brooklyn. Look blighted to you?

Nicole Gelinas

Free markets are out of vogue. The unfortunate lesson that policymakers have learned over the past two years is that a big, brainy government that supposedly creates jobs is superior to irrational, faceless markets that just create catastrophic errors. So Washington has seized on the financial and economic crises to enlarge its role in managing the economy—controlling the insurance giant AIG, for example, and trying to maintain high housing prices through tax credits and "mortgage modification" programs.

But when it comes to central economic planning, New York City and State are way ahead of the feds. Empire State politicians from both parties already believe that it's their responsibility to

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replace people and businesses in allocating the economy's resources. They're even confident that their duty to design a perfect economy trumps their constituents' right to hold private property. Three current cases of eminent-domain abuse in New York show how serious they are—and how much damage such government intrusiveness can wreak.

Brooklyn's Prospect Heights, industrial and forlorn for much of the late twentieth century, was looking better by 2003. Government was doing its proper job: crime was down, and the public-transit commute to midtown Manhattan, where many Brooklynites worked, was just 25 minutes. That meant that the private sector could do its job, too, rejuvenating the neighborhood after urban decay. Developers had bought 1920s-era factories and warehouses and converted them into condos for buyers like Daniel Goldstein, who paid $590,000 for a place in a former dry-goods warehouse in 2003. These new residents weren't put off by the Metropolitan Transportation Authority's railyards nearby, and they liked the hardwood floors and airy views typical of such refurbished buildings. They also settled in alongside longtime residents in little houses on quiet streets. Wealthier newcomers joined regulars at Freddy's, a bar that predated Prohibition. Small businesses continued to employ skilled laborers in low-rise industrial buildings.

But Prospect Heights interested another investor: developer Bruce Ratner, who thought that the area would be perfect for high-rise apartments and office towers. Ratner didn't want to do the piecemeal work of cajoling private owners into selling their properties, however. Instead, he appealed to the central-planning instincts of New York's political class. Use the state's power to seize the private property around the railyards, he told Governor George Pataki, Mayor Michael Bloomberg, and Brooklyn borough president Marty Markowitz. Transfer me the property, and let me buy the railyards themselves below the market price. I'll build my development, Atlantic Yards, around a world-class basketball arena.

New York, in short, would give Ratner an unfair advantage, and he would return some of the profits reaped from that advantage by creating the "economic benefits" favored by the planning classes. Architecture critics loved Frank Gehry's design for the arena. Race activist Al Sharpton loved the promise of thousands of minority jobs. The Association of Community Organizations for Reform Now (Acorn) loved the prospect of administering the more than 2,000 units of "affordable" housing planned for the development, as well as the $1.5 million in loans and grants that Ratner gave it outright. When the state held public hearings in 2006 to decide whether to approve Atlantic Yards, hundreds of supplicants, hoping for a good job or a cheap apartment, easily drowned out the voices of people like Goldstein, who wanted nothing from the government except the right to keep their homes.

Can New York legally seize private property and transfer it to a developer purely for economic development? The Fifth Amendment to the U.S. Constitution allows the government to take property for a "public use," long understood to mean such things as roads and railways, so long as it makes "just compensation" for them. Starting around the 1930s, a number of court cases began to broaden "public use" to include more nebulous "public purposes," such as slum clearance. And in 2005, in *Kelo* v. *New London*, the Supreme Court decided that these "public purposes" could even include economic development. But New York's constitution theoretically holds the state to a higher standard. In 1967, Empire State voters voted not to add a "public purpose" clause to their constitution, preferring to stick with the stricter requirement of "public use."

The state hasn't let this inconvenience derail its plans for Prospect Heights, however. For seven decades, courts have let New York seize and demolish slum housing if it's blighted—which New York State defines as "substandard" and "unsanitary." So the Urban Development Corporation (UDC), a public entity of New York State, decided that the "public use" of Atlantic Yards

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would be blight removal. The city had already designated part of the neighborhood as "blighted" 40 years earlier, long before its resurgence. As for the rest, the UDC commissioned consultants—previously employed by Ratner—who soon returned the requisite blight finding.

But wait, you say: people don't buy half-million-dollar apartments in "substandard" or "unsanitary" neighborhoods. You're right; that's why the consultants had to stretch. In the 1930s, as Goldstein's attorney, Matthew Brinckerhoff, pointed out, "substandard" and "unsanitary" meant "families and children dying from rampant fires and pestilence" in tuberculosis-ridden firetraps. In 2006, by contrast, the UDC's consultants found "substandard" conditions in isolated graffiti, cracked sidewalks, and "underutilization"—that is, when property owners weren't using their land to generate the social and economic benefits that the government desired.

In New York, this creative definition of blight is the new central-planning model. Consultants have also cited "underutilization" in West Harlem, where the city's Economic Development Corporation wants to take land from private owners and hand it to Columbia University for an expansion project. Says Norman Siegel, who represents the owners: "A private property owner has the right to determine the best productive use of his property. It's not a right to be ceded to any government."

And in Queens, the Bloomberg administration is preparing a similar argument to grab swaths of Willets Point, an area adjacent to Citi Field that's populated with auto-repair shops. The city's recent "request for qualifications" from would-be developers drew a sharp response from the people who owned the land: "We . . . hold the most significant qualification of all: we own the properties. We are motivated to improve and use our own properties, consistent with the American free market system. We would have done so in spectacular fashion already, had the city upheld its end of the bargain by providing our neighborhood with essential services and infrastructure." Instead, the city has done the opposite, letting streets disintegrate into ditches to bolster its blight finding. The perversity is astonishing: rather than doing its own job of maintaining public infrastructure and public safety, the government wants to do the private sector's job—and is going about it by starving that private sector of public resources.

Rather than doing its own job of maintaining infrastructure and safety, the government wants to do the private sector's job.

roperty owners have looked to the judiciary to check the overweening grasp of the legislative and executive branches. But courts can be wrong for longer than it takes to save a neighborhood. In Brooklyn, Goldstein and his neighbors have lost their lawsuits—most recently, in New York's highest court, the court of appeals. In November, the court decided 6–1 that "all that is at issue is a reasonable difference of opinion as to whether the area in question is in fact substandard and insanitary. This is not a sufficient predicate for us to supplant [the state's] determination." The court essentially abdicated its duty to protect property owners from the governor and the Legislature.

Nine days later, the West Harlem owners fared better in a lower court. The first department of the state supreme court's appellate division found, 3–2, that the blight studies that the city and state had commissioned to justify their rapacity were "bereft of facts"—and further tainted by the fact that one blight consultant also worked for Columbia. The blight designation "is mere sophistry," the majority concluded, "hatched to justify the employment of eminent domain." The court further noted that "even a cursory examination of the study reveals the idiocy of considering

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things like unpainted block walls or loose awning supports as evidence of a blighted neighborhood. Virtually every neighborhood in the five boroughs will yield similar instances of disrepair."

The selective and arbitrary process that deems one neighborhood blighted while leaving a similar neighborhood alone also violates due process, the justices went on, as "one is compelled to guess what subjective factors will be employed in each claim of blight." Another violation: the government responded poorly to property owners' document requests under the state's freedom of information law, hampering their right to mount a solid case. Such requests are particularly important in eminent-domain cases because New York property owners don't enjoy the right to a trial with a discovery phase, but must go straight to appeals court—a seventies-era "reform" meant to speed up development projects.

The Harlem owners were able to convince the lower court partly because they had commissioned their own "no-blight" study. "We said, 'Let's create our own record . . . as a counterweight,'" said Siegel. The owners also presented as evidence a government study, performed before Columbia showed interest in the land, that West Harlem was revitalizing itself. This is all very well—but property rights shouldn't depend on owners' creativity and resourcefulness in proving beyond all reasonable doubt that their land isn't blighted.

Further, the lower-court ruling is a tenuous victory. The case is proceeding to the court of appeals, and though Siegel is "cautiously optimistic" that it will rule in his clients' favor, there's no way to be sure. Meantime, Goldstein and fellow residents and business owners in Brooklyn have asked the court of appeals to reconsider its Atlantic Yards ruling after it rules on Harlem. But the starkly different decisions in the Harlem and Brooklyn cases, coming so close together, have pointed up the need for the Legislature and Governor David Paterson to create clear standards for the government's power to seize property.

An obvious step is to dispense with "underutilization" as a justification for a taking. As the court noted in the Harlem case, "the time has come to categorically reject eminent domain takings solely based on underutilization. This concept . . . transforms the purpose for blight removal from the elimination of harmful social and economic conditions . . . to a policy affirmatively requiring the ultimate commercial development of all property."

But the state should go even further and eliminate blight itself as a justification for property seizure. Since the sixties, when creeping blight seemed to threaten the city's existence, New York has learned that the real remedy for "substandard" conditions is good policing and infrastructure, which create the conditions for people and companies to move to neighborhoods and improve them. As for 1930s-style "unsanitary" conditions, modern health care, infrastructure, and building codes have eliminated them. Today, the biggest risks to public health are often on *government* property: dangerous elevators in public housing, for instance, or the 2007 fire that killed two firefighters in the Deutsche Bank building in lower Manhattan, owned by the city and state since 9/11. Unless it needs property to build a road, a subway line, a water-treatment plant, or a similar piece of truly public infrastructure—or unless a piece of land poses a clear and present danger to the public—the state should keep its hands off people's property.

Eminent-domain abuse, dangerous though it is, is a symptom of a deeper problem: government officials' belief that central planning is superior to free-market competition. That's what New York has decided in each of its current eminent-domain cases. In Brooklyn, high-rise towers and an arena are better than a historic low-rise neighborhood; in Harlem, an elite university's expansion project is better than continued private investment; and in Willets Point, Queens, almost *anything* is better than grubby body shops.

To cure yourself of the notion that the government can do better than free markets in producing economic vitality, stroll around Atlantic Yards. You'll walk past three-story clapboard homes nestled next to elegantly corniced row houses—the supposedly blighted residences that the city plans to demolish. You'll see the

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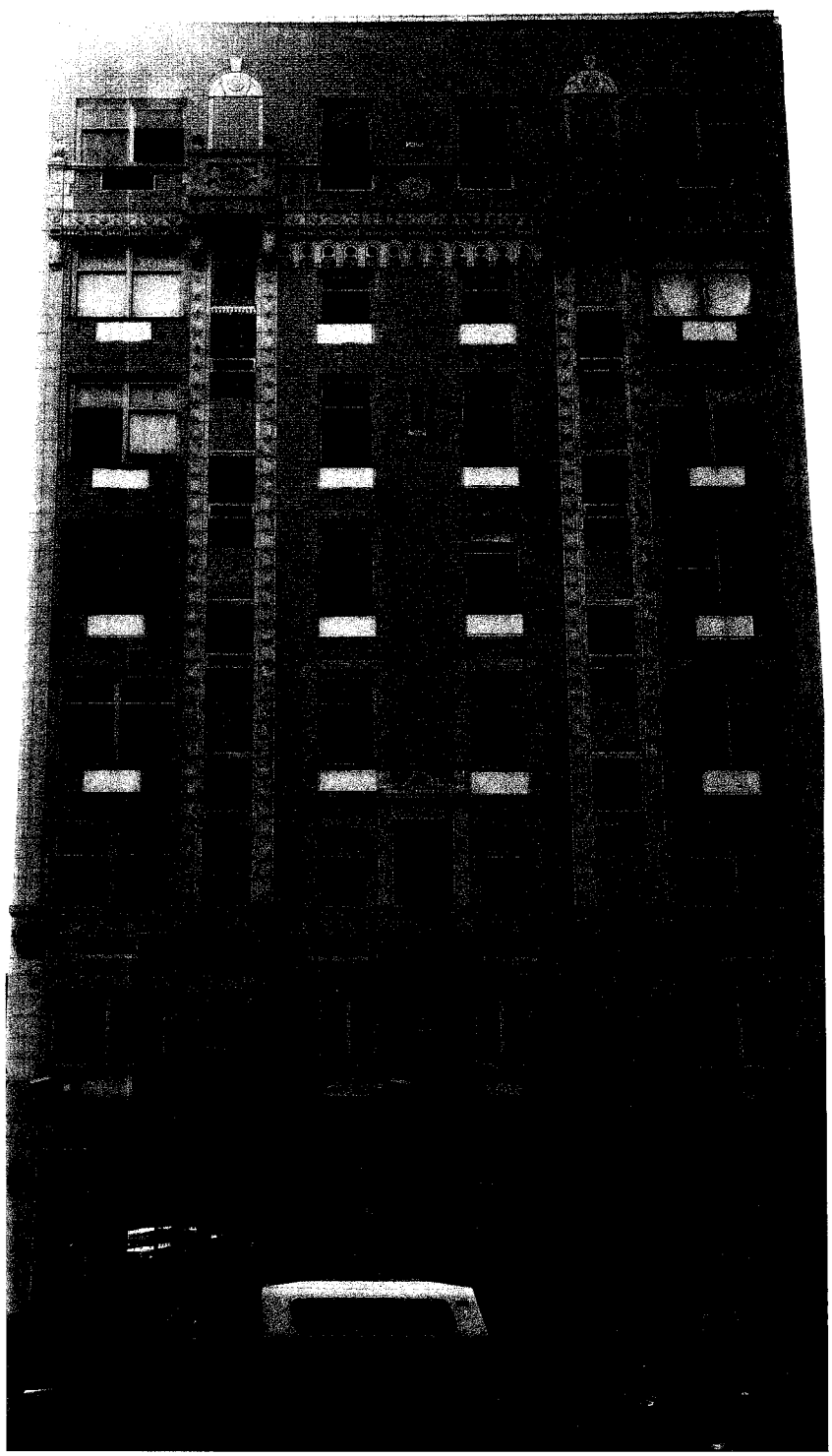
Spalding Building, a stately sporting-goods-factory-turned-condo-building that, thanks to Ratner and his government allies, has been slated for demolition and now stands empty. You'll peer up at Goldstein's nearly empty apartment house, scheduled to be condemned and destroyed.

And you'll see how wrecking balls have already made the neighborhood gap-toothed. A vacant lot, for example, now sprawls where the historic Ward Bakery warehouse was, until recently, a candidate for private-sector reinvestment. Today, Prospect Heights finally shows what the state and city governments want everyone to see: decay. The decay, though, isn't the work of callous markets that left the neighborhood to perish. It's the work of a developer wielding state power to press property owners to sell their land "voluntarily." It's also the result of a half-decade's worth of government-created uncertainty, which stopped genuine private investment in its tracks.

Such uncertainty offers a crucial lesson to the rest of the nation, and not just in the area of eminent domain. Whenever government fails to confine itself to a limited role in the economy, it creates similar uncertainty. Even when the results aren't as poignantly obvious as they are in Brooklyn, the private economy suffers—whether it's financial or auto bailouts unfairly benefiting some firms at the expense of others, or mortgage bailouts unfairly benefiting some home buyers at the expense of others. Free markets may be imperfect, but they're far better than the alternative—the blight of arbitrary government control and the uncertainty that it creates.



This 1920s gem, a former dry-goods warehouse converted into half-million-dollar condos, would also meet the wrecking ball.

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Empire of Excess

New York's top earners will soon be paying more in state taxes than ever.

E. J. McMahon and Josh Barro

Advocates of the misnamed "millionaire's tax" enacted in New York State last year claimed that it would restore "fairness" to a tax code that favored the rich. After all, the statewide teachers' union noted, "over the last 30 years, New York has cut its top personal income tax rate on the wealthy by one-half." Technically, the union was right—but that was only part of the story. Thanks to the interplay of federal and state tax rules, Albany's share of all income taxes paid by New York's wealthiest residents has actually been *rising* since the 1970s. And it will soon rise to its highest level ever, if President Obama and congressional Democrats have their way. This is bad news for New York's battered economy.

The last time New York was struggling with a major economic downturn, Washington gave the state and city a shot in the arm. In early 2003, Congress and President George W. Bush agreed to accelerate their already-scheduled temporary reductions in federal income-tax rates and to cut

Graph by Alberto Mena

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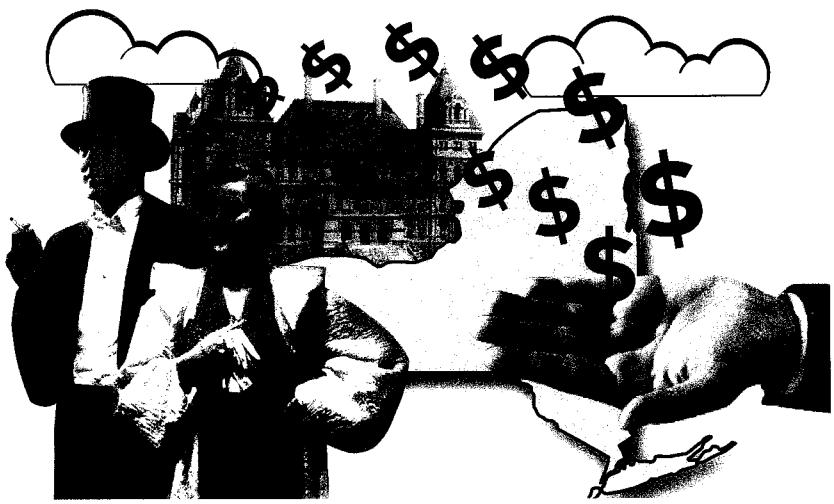
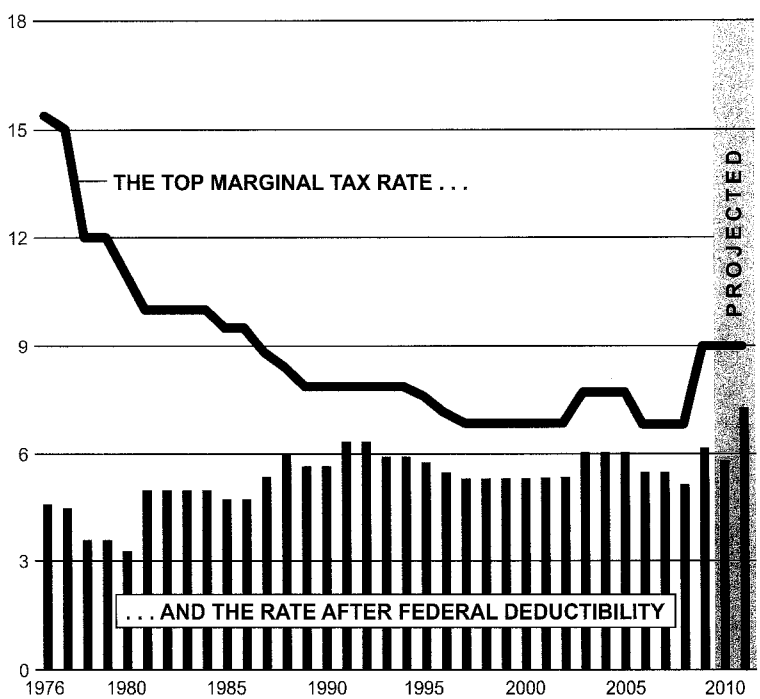
federal taxes on capital gains and dividends more deeply. Those investor-friendly federal cuts took effect at the same time as large temporary increases in both state and city income-tax rates, which the New York State Legislature had enacted over Governor George Pataki's vetoes. The economic positives of the big Bush cut canceled out the negatives of the smaller state and city hikes.

Nearly seven years later, in the aftermath of a far more serious economic crisis, the winds of tax policy are blowing in a very different direction for New York. President Barack Obama won office on a promise to return the top two income brackets' marginal rates (now 33 percent and 35 percent) to the levels in effect before his predecessor took office (36 percent and 39.6 percent). He's virtually assured of achieving that goal no later than 2011, when the Bush tax law expires. With federal deficits swelling and pressure mounting for more "stimulus" spending, taxes could rise even as soon as this year. Meanwhile, the president's allies in organized labor are sharpening another dagger for New York: a tax on financial transactions.



HOW NEW YORK STATE SOAKS THE RICH



SOURCES: New York State Department of Taxation and Finance; Tax Foundation; authors' calculations

Under the circumstances, Albany couldn't have picked a worse time to enact yet another temporary income-tax increase—yet that's precisely what Governor David Paterson and the Legislature agreed to do last spring, as part of the 2009–10 state budget. This hike, twice as large as the one in 2003, has raised the top state rate to 8.97 percent on filers with taxable incomes of over $500,000 (and to 7.85 percent for those starting as low as $200,000).

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On the face of it, as the teachers' union pointed out, New York State's jacked-up marginal rate is still much lower than the all-time high of 15.35 percent reached in the mid-1970s. However, after allowing for federal deductibility, the effective state income-tax rate is actually higher now than it was 35 years ago. And current tax trends in Washington will push New York's net income-tax cost—the difference between earning income here and in a no-tax state such as Florida or Texas—further beyond 1970s levels, even if the higher state rate expires on schedule in two years.

The explanation for these surprising facts lies in the complex way that the state tax code interacts with the federal one. Back in the 1970s, the federal income-tax structure was quite different. The top marginal rate—that is, the tax paid on every added dollar of income in the highest bracket—was 70 percent, which sounds unthinkably high even by Obama-era standards. Also, itemized deductions for all taxpayers—including deductions of state and local taxes—were unlimited, which effectively meant that those state and local taxes were discounted by 70 percent.

To understand how this worked, consider two hypothetical 1970s taxpayers. The first of them lives in New York and earns $300,000, putting him well into the top state and federal tax brackets. If he decides to work a little more and earn an extra $10,000, that money would be subject to a state income-tax rate of 15.35 percent and a federal rate of 70 percent. First he pays a painful $1,535 on this extra $10,000 to New York. But then the feds let him deduct that $1,535 from what he owes the IRS, leaving $8,465 subject to federal taxes. So his final bill on the $10,000 is $1,535 (the state income tax) plus 70 percent of $8,465, or $5,925—a total income tax of $7,460.

Now consider the second taxpayer, who has exactly the same extra $10,000 of income taxable in the top bracket but is lucky enough to live in a state with no income tax—Florida, say. That taxpayer pays nothing to Florida, and consequently must pay federal taxes on the entire $10,000. The bill comes to $7,000—a mere $460 less than the New York taxpayer's, because the federal government hasn't soaked up any of the Florida taxpayer's cost. Another way of putting this: when New York's top income-tax rate hit its 15.35 percent peak, the *effective* rate after federal deductibility—that is, the rate of taxation that the feds didn't shield taxpayers from—was a much lower 4.61 percent. Though the total tax burden was staggeringly high in the 1970s, federal deductibility gave high-tax states like New York some shelter against competition from low- or no-tax states like Florida.

But that wouldn't last. Over the next two decades, New York legislators reformed the state's income-tax structure and reduced the top rate, which reached a 40-year low of 6.85 percent in 1997. Nevertheless, the effective top rate rose, a development that began with President Ronald Reagan's slashing the top federal rate from 70 percent to 50 percent in 1981. This meant that the effective deductibility discount on state and local taxes was also reduced to 50 percent. Consider the same two taxpayers in 1981, when New York's top-bracket rate stood at 10 percent: do the math, and you'll find that the New Yorker paid $5,500 and the Floridian $5,000. That is, the Florida advantage grew.

Further changes were in store for high-income taxpayers with the federal tax reform of 1986, which reduced the top federal rate to 28 percent, significantly broadened the base of income subject to taxes, and disallowed deductions for state and local taxes for those subject to the Alternative Minimum Tax (AMT). And in 1990, President George H. W. Bush broke his "read my lips" promise and raised income-tax rates. Part of the tax hike was a new limit on itemized deductions (known as "Pease," after the Ohio congressman who sponsored it). Pease included deductions of state and local taxes, and it had a greater effect than the AMT did on New York taxpayers in the high end of the top bracket, typically boosting their effective top state rate by almost a full percentage point.

You can see the effect of all these policy shifts in the chart on the previous page. Even as New York's top marginal tax rate fell, its effective rate rose—and for high-income households, so did the share of income flowing to Albany and

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the relative cost of living in New York compared with a state with no income tax.

Unfortunately, it looks as though the trend is going to continue. The Bush tax cuts included a phaseout of Pease starting in 2006, its scheduled elimination in 2010, and its reappearance in 2011. Obama's first budget would restore the full Pease limit and add yet another cap on itemized deductions. If Obama's deduction cap winds up enacted and federal rates in top brackets increase in line with his plan, New York's effective top tax rate will rise to at least 7.3 percent in 2011. That will be its highest level ever—more than half again as high as the effective top rate in the 1970s. The combined federal and state tax bite on salaries, wages, and bonuses of New York State residents in the top bracket will come to just over 48 percent.

For New York City residents, all these trends have been the same—except the starting points are higher. In the disco era, the combined state and city income-tax rate in Gotham reached a mind-blowing peak of 19.65 percent, equivalent to 5.9 percent after deductibility. By 2011, the city's combined top rate of 12.62 percent (as it stood at the beginning of 2010) will cost the highest-income filers at least 9.9 percent, assuming adoption of Obama's tax-policy aims—and assuming the city doesn't use its deepening fiscal crisis as an excuse to increase its own income tax, "temporarily" or otherwise. In the city, the combined federal, state, and local tax bite on an added dollar of labor income in the top bracket will exceed 50 percent for the first time in 25 years.

Higher effective rates for state and city residents won't be the only negative fallout in New York from imminent changes in federal tax policy. Because the state and city income taxes apply largely to the same taxable incomes that New Yorkers report on their federal returns, any federal shifts that shrink the taxable income base can likewise shrink state and city revenues.

Economists and tax-policy analysts have long recognized a link between taxpayer behavior and changes in marginal rates, especially in higher income brackets, where taxpayers have more control over the timing and nature of their incomes. When rates rise sharply, taxpayers respond by working and earning less, by shifting their "domicile" (or main residence for tax purposes) to lower-tax jurisdictions, and by using legal strategies to shift or shelter income in tax-exempt investments. Conversely, when marginal rates fall, upper-bracket taxpayers have less incentive to hide or shift income.

When rates rise sharply, taxpayers respond by working less and by shifting their 'domicile' to lower-tax jurisdictions.

Based on a U.S. Treasury Department analysis of taxpayers' responses to the Bush tax cuts, a 2006 report by the Manhattan Institute's Empire Center for New York State Policy estimated that a return to the pre-2001 top federal tax rates would lead to annual revenue losses of $400 million for New York State and $72 million for Gotham. An econometric model developed for the Manhattan Institute by Boston's Beacon Hill Institute predicted a slightly larger loss for the state but a smaller one for the city.

Revenues are already falling well short of projections. The state income-tax hike is raising about 10 percent less than the originally projected $4 billion, contributing to a yawning deficit. The imminent rise in federal taxes may temporarily reverse that trend, since Governor Paterson's budget office expects a surge of capital gains in anticipation of federal rate hikes in 2011. But if the state's experience with past swings in capital-gains taxes is any guide, that uptick will be followed by a slump the following year.

The specifics remain unsettled. But the trend in federal tax rates and rules is deeply unsettling for New York's economic and fiscal outlook—and at the worst possible time.

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The Velvet Philosophical Revolution

Twenty years after the fall of the Berlin Wall, the battle for political freedom goes on.

André Glucksmann

On the evening of November 9, 1989, the wall of shame was breached. The next morning, I took off for Berlin; shortly afterward, I experienced the Velvet Revolution in Prague, and finally the fall of Ceauşescu in Bucharest. The year 1990 opened joyfully for the human race. But I was struck by the difference in the emotions felt in the East and in the West. Representative of the West was Francis Fukuyama and his idea, which caused a sensation, that history had just come to an end. But those in the East realized that this was far from the case. Less than a month before the Berlin Wall fell, I had given a speech in front of Chancellor Helmut Kohl and the cream of the Federal Republic of Germany in honor of Czech dissident Václav Havel, who was receiving the Frankfurt Book Fair's prestigious Peace Prize while still a prisoner in his own country. I entitled the speech "To Leave Communism Is to *Enter* History"—the view of those emerging from behind the Iron Curtain.

The West's confusion arose because it wasn't prepared for such a fundamental unsettling of postwar geopolitics. During four decades of ideological confrontation, theoreticians and journalists had argued about how a society should move from capitalism to socialism. There was no research on the opposite question—that is, on the transition from socialism to capitalism—apart from a few inconclusive studies, most notably in Poland, concerning the possibility of introducing some elements of the free market into a Communist society. As the philosopher Josep Ramoneda has observed, the whole world—Communists, anti-Communists, and those in between—took it as given that the Soviet Union and its satellites could not "return" to capitalism. So when, during the Velvet Revolution, demonstrators posed exactly this question—How can we go from socialism to capitalism?—there was no ready answer.

As Western intellectuals watched Berlin in November 1989, they reconsidered their long belief that the world was fated to be Communist—but retained their belief in fate. Providence had at last spoken, chance was abolished, the terrible parenthesis of the twentieth century had closed. Forgotten, erased, transcended, surpassed were 1914–1989, the bloodiest and cruelest 75 years of the human adventure to date. Tocquevilleans rediscovered the ineluctable movement of universal democracy; Saint-Simonians passed on to ecologists the promise that the administration of things would replace the government of men; Hegelians like Fukuyama celebrated the End of History and of history's wars; Social Democrats promised that understanding among peoples would grow. We were entering the peaceful, postmodern Promised Land, where great heroes, great dangers, great peoples, and great goals would all disappear, as Jean-François Lyotard, author of *The Postmodern Condition*, notoriously argued. The end of the Cold War plunged the "free world," as it had been called, into a boundless euphoria. Western Europe immediately eliminated its military budgets, while Washington announced a "new world order."

The other Europe, just emancipated from Moscow's domination, did not share this optimism. The peoples extricating themselves from totalitarian despotism were at the same time *rejoining* history as freely choosing agents. And they found before them two possible futures. One is symbolized today by Havel and Lech Walesa, Charter 77 and Poland's Solidarity; the other by Slobodan Milošević and Vladimir Putin.

Czechs and Serbs faced the same post-1989 challenges as they confronted the dismantling of Czechoslovakia and Yugoslavia. In Prague,

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MIROSLAV ZAJÍC/CORBIS

Václav Havel led the peaceful pro-democracy movement that toppled Communism in Czechoslovakia in 1989.

widespread poverty and corruption tempted the antitotalitarian dissidents whom the Velvet Revolution brought to power to choose repression rather than democracy. Their ultimate decision, though, was decisive: freedom would be the highest priority. Slovakia and the Czech Republic separated without conflict, and in the end, both entered the European Union. In Belgrade, by contrast, a sly and corrupt Communist bureaucrat seized power. Milošević forged an alliance of various forces of repression against the contagion of liberty. While he set aside Marxist ideology, he preserved its coercive methods. Wars and waves of ethnic cleansing ravaged Yugoslavia from 1991 to 1999. Milošević proved ready to spill blood in order to regain lost territories, and he ended up in The Hague, facing charges of crimes against humanity.

Ecstatic Westerners dreamed that the period of totalitarian cruelty was over, as if former Soviet bureaucrats could somehow emerge as new men, despite 70 years of brainwashing, or as if the chaos of radically nationalist dictatorships would easily resolve itself. But no great political savior awaited, Havel argued; Czechs were left to their own responsibilities, to "the power of the powerless," to what the Czech philosopher Jan Patočka, who inspired Havel, called the "solidarity of the shaken"—of those, that is, shaken by totalitarian regimes and devoted to opposing them.

More recently, we have seen this solidarity in the democratic uprisings in Georgia in 2003 and in Ukraine in 2004, which should have drawn the attention of those who remained deaf through 12 years and 200,000 deaths in the martyrdom of Chechnya. In Ukraine, President Putin intervened shamelessly in the affairs of a state whose independence he refused to recognize. In Georgia, he sent in the tanks. Responding to the international press, Putin denounced the peaceful uprisings that swept away post-Soviet puppets in Tbilisi and Kiev as "permanent revolution" and "its dangerous disorders." Thus he defamed a liberating uprising of long duration, one that started in the blood of East Berlin in 1953; continued in Poznań and Budapest in 1956, in Russia with the dissidence of the sixties, in Prague in 1968, and in the struggle of Solidarity in the 1980s; and was crowned by the fall of the Berlin Wall.

It is an uprising that in Poland brought together Catholics and freethinkers, at odds for more than a century, who together founded Solidarity. In Russia, moderns like Andrey Sakharov and traditional believers like Aleksandr Solzhenitsyn worked side by side. In Prague and Bratislava, university professors, instead of teaching the official lies, chose to be window washers or furnace repairmen, and Charter 77 brought together the Left and the Right, skeptics and the religious. Antitotalitarianism cultivates its own convictions, without sectarianism; dissidence does not attempt to replace the official dogma with another one but instead introduces an intellectual revolution that precedes—and that alone makes possible—the social and political changes that will remake the map of Europe.

This revolution has not ended, which is why the Kremlin does not appreciate insurrections in Georgia and Ukraine. Europe's new frontier is at stake on the uncertain terrain of history, and the alternatives are still these: Havel and Milošević.

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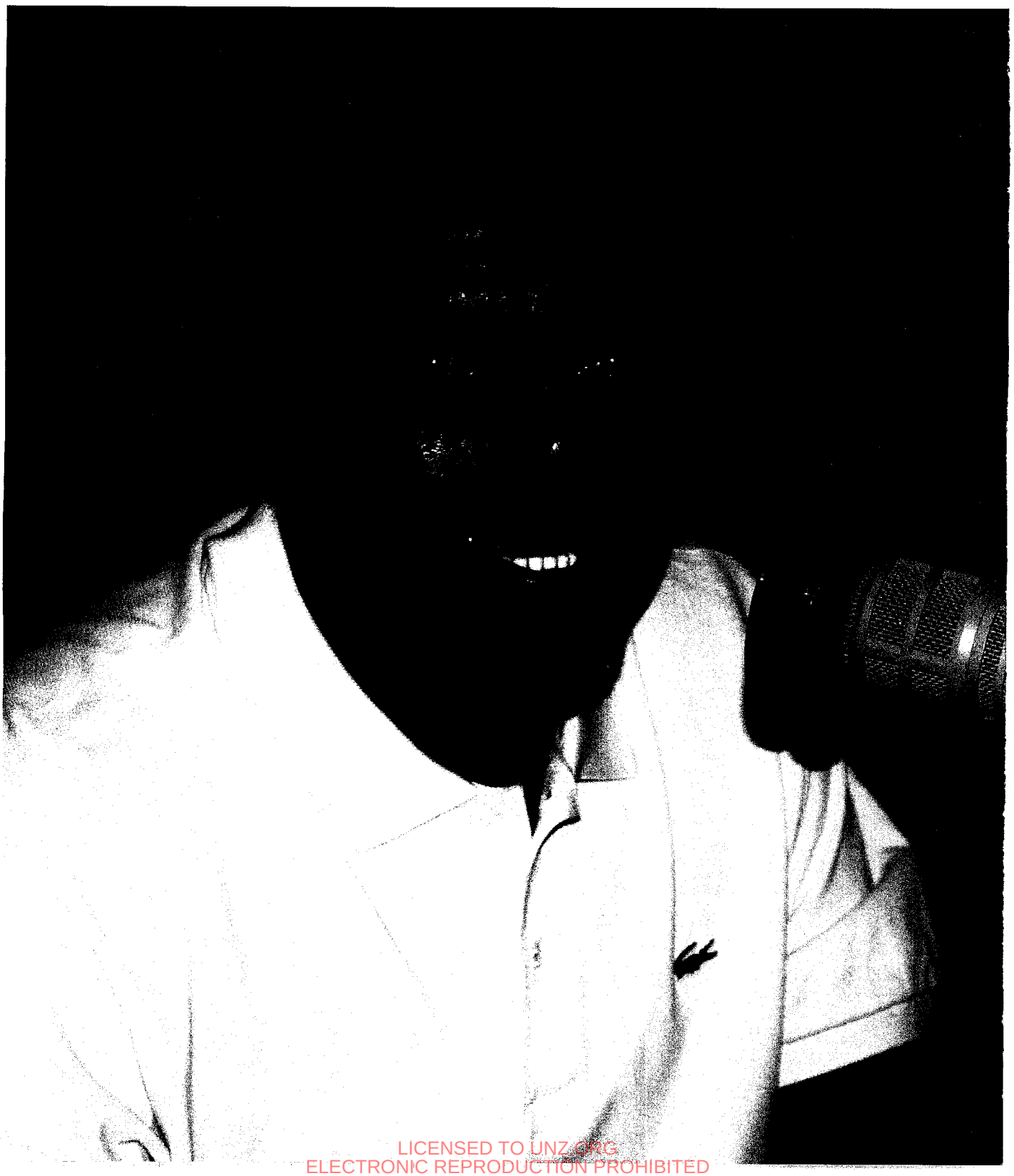
A Man Alone



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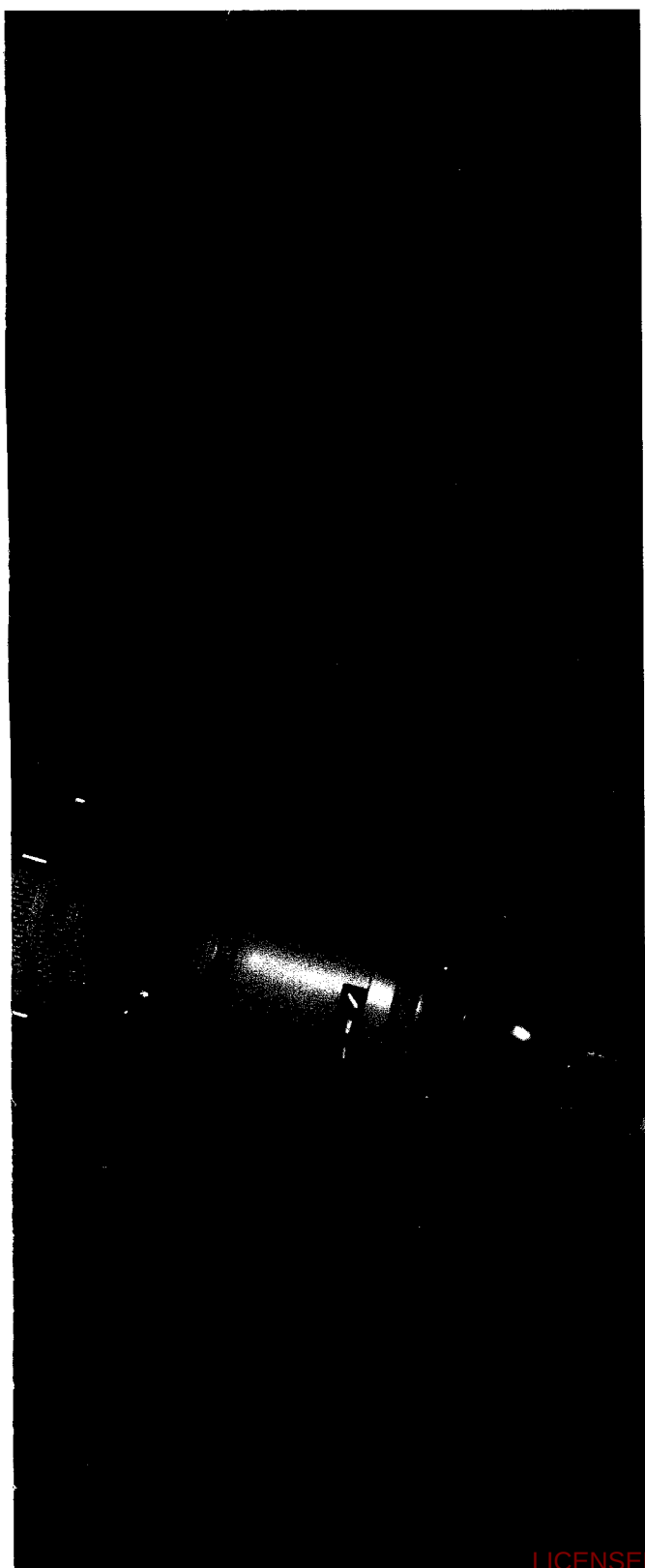

COURTESY OF BOND

Jesse Lee Peterson versus the "black experience"

Andrew Klavan

In December 2001, the Toyota Motor Corporation held a public meeting at the Los Angeles Chamber of Commerce in conjunction with racial activist Jesse Jackson. The purpose of the gathering was to discuss Toyota's "Twenty-First Century Diversity Strategy," a ten-year program worth some $7.8 billion in contracts for minority-owned businesses. At even a casual glance, the program seemed a capitulation to Jackson, who had threatened to call for a black boycott of the carmaker over some ads that he deemed racist. Toyota's denials that it had given in to racial extortion rang unconvincing.

Also in attendance that day was another black minister named Jesse—the Reverend Jesse Lee Peterson. Peterson is the staunchly conservative head of the Brotherhood Organization of a New Destiny, or BOND, which is dedicated to "rebuilding the family by rebuilding the man"—educating males, mostly black males, about personal strength and responsibility. Peterson is also Jackson's sworn nemesis and calls him, among other things, a "racist demagogue" and a "problem profiteer." For two years prior to the Toyota meeting, he'd been holding rallies declaring Martin Luther King, Jr. Day a "National Day of Repudiation of Jesse Jackson." So when it came time for the Q&A, Peterson asked Toyota's reps if BOND could apply for its grants *without* joining Jackson's Trade Bureau at an entry fee of up to $2,500.

"All hell broke loose in the room," Peterson writes in his book *Scam: How the Black Leadership*

Reverend Peterson broadcasts his politically incorrect message from L.A. daily.

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Exploits Black America. "Several blacks got up and started screaming obscenities at me." Jesse Jackson denounced "some parasites who want to pick up apples from trees they didn't shake." When Peterson tried to leave the meeting, he claims that Jesse's son Jonathan confronted him and shoved him in the chest, while others surrounded him, shouting obscenities.

Peterson sued, claiming that Jesse Jackson threatened him and that Jonathan assaulted him. The jury split 6–6 on the assault charge, and it was settled out of court. A lengthy 6–6 split on the other charges ended when, according to the *Los Angeles Times*, three jurors, still professing to believe Peterson, surrendered to the argument that he hadn't proved his claims. Though Jesse Jackson had to admit under oath that his Trade Bureau played a role in distributing the Toyota grants—and though he acknowledged the "parasites" remark—he and his son walked away largely unscathed.

I couldn't help but think of Jesse Jackson when I visited Peterson at BOND recently. I couldn't help but think of Jackson's Rainbow/PUSH Coalition, with its monumental marble headquarters in Chicago and branches in major cities around the country. BOND's offices, by contrast, are in a shabby storefront sitting amid furniture stores, gas stations, and billboards in a flat and dispiriting stretch of L.A.'s Mid-City West section. Whereas Rainbow/PUSH reportedly receives double-digit millions in corporate grants and sponsorships, BOND gets by on about half a million dollars a year in mostly private donations (though some money comes in from Toyota since the 2001 brouhaha). Its Home for Boys, a gabled house in a pleasantly leafy residential neighborhood nearby, can hold eight residents at a time, with some sharing rooms. That, along with BOND's After-School Character Building Program, which takes on ten to 12 kids for six to nine weeks, represents an effort no larger than, say, a church Sunday school: about 70 boys have graduated from both programs so far. BOND chapters begun in Flint and Lansing, Michigan, have had to close down for lack of funds.

But if BOND is austere, it nonetheless provides Peterson with a platform from which to speak his indomitable piece. The building includes a rudimentary chapel—a cross, a podium, maybe 30 office chairs—where he preaches to a small congregation every Sunday (the sermons are later posted on his website and YouTube). There's also an admirably equipped studio from which he puts on a radio and Internet call-in show five mornings a week. As BOND's president and CEO, he makes regular TV appearances with Fox News stalwarts Bill O'Reilly and Sean Hannity (who serves on BOND's advisory board). He also writes a no-holds-barred column on the popular conservative Christian website WorldNetDaily, and he makes occasionally raucous speaking appearances, including a recent debate at Yale University in which he denounced affirmative action, to predictable hisses from the Yale Political Union.

Still, the contrast between Jesse Jackson's wealth and fame and Jesse Lee Peterson's relatively modest circumstances seems an object lesson in the fate of competing narratives and identities. The great social thinker Shelby Steele has written that to "be black" in America requires the wearing of a mask. Either you are a "challenger," like Jackson, who essentially tells whites: "I judge you racist until you do something—such as giving me money—to prove otherwise." Or you are a "bargainer," like Barack Obama, who says, "I will not use racism against you, if you will not use race against me."

But Jesse Lee Peterson will not "be black" in that sense at all. "The 'Black Experience' is a myth used to control people," he has written. His approach to the problems facing America's entrenched black underclass is profoundly personal. And his comparatively marginal place in the culture raises the possibility that, for a public black in America, to be a man only is to be a man alone.

"Most black Americans are suffering not because of racism but the lack of moral character," Peterson tells me. We are sitting in his office in BOND's cramped second story. It's a threadbare space: cheap desk, cheap chairs,

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some books on cheap shelves, some photos of friends and BOND graduates hanging on the off-white walls or propped against them. "About 50 years ago, the government came in under Lyndon B. Johnson, and it said to black people, 'We're gonna take care of you. You can't make it because of racism. But you can't have a father in the home, you can't have a man in your home.' " He's alluding to welfare systems that subsidized single mothers and thus discouraged marriage. "And many black people decided to go with that, and they took the fathers out, and the government became the daddy of the family. And the so-called civil rights leaders became the head of the people . . . and they have managed to brainwash, dumb down, and demoralize the people for their own personal gain."

Like many outspoken conservatives, Peterson is only noticed by the mainstream media when he makes statements that are, I suspect, purposely calibrated to shock and annoy them: "Thank God for slavery" (because it brought blacks out of Africa to America) and "Barack Obama hates white people." Like many black conservatives, he is subject to continual name-calling and racial slurs. One man even pulled a gun on him when he recognized him in a restaurant, Peterson says, and others have threatened violence against the radio stations that run his show. But in appearance and behavior, at least, he doesn't fit the firebrand mold. He's a slender man of average height with a relaxed, quiet aspect. A cleft palate, not repaired until he was in his teens, left him with a slight speech impediment, and he has developed a careful manner of speaking, not ferocious at all, not even in the pulpit. He is self-effacing and humorous and notes his own lapses in grammar and eloquence by telling me simply and without apology, "I didn't get a great education." He is scrupulously direct and thorough when answering questions, and his worldview is strikingly coherent and precise.

Like Steele—who provides both a blurb and a frontispiece quotation for Peterson's autobiography, *From Rage to Responsibility*—Peterson decries the transformation of the civil rights movement from a principled appeal to the American creed to a politicized shakedown of guilt-ridden whites. He condemns the government subsidies of single motherhood that have helped set loose a plague of black illegitimacy and its attendant plagues of generational poverty and crime. (See "Heralds of a Brighter Black Future," Spring 2005.) And he bemoans the black culture of dependency on government support that even welfare workers privately call "welfare psychosis."

But Peterson is no metropolitan academic. Despite his quiet demeanor and delivery, his message is charged with that old-time religion. Where Steele views the last 40 years of civil rights activism as a complex and poisonous blend of white guilt, black opportunism, and government incompetence and corruption, Peterson sees an intentional power grab by an anti-American Left, a self-interested attempt to destroy the nation by destroying manhood and marriage, part of the ongoing and eternal struggle between the forces of Good and Evil. "You cannot control a moral people," he tells me. "You have to keep them immoral in order to control them."

When Peterson starts talking, the words *I don't agree with everything he says, but . . .* leap screaming into your mind. Even conservative commentator Dennis Prager, who serves on BOND's advisory board and calls Peterson "one of the handful of great men anyone is privileged to meet in a lifetime," makes a similar disclaimer in his foreword to the autobiography. It's a gesture of mental self-defense, I think, against a preacher who seems very peacefully and yet relentlessly to say what has become, in the current American narratives of race and gender, virtually unsayable.

Take Peterson's vision of restoring the lost black family, which is unflinchingly religious and traditional. "There is a spiritual order to life that was ordained by God," he tells me. "And that order is God in Christ, Christ in man, man over woman, woman over children. And it's not an ego trip, it's just a spiritual order, that men are subject to Christ and women are subject to men."

At this point on the interview tape, you can hear me start to stammer hilariously. *I don't agree with everything he says, but. . . .* And yet, at the

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same time I'm stammering, several thoughts crowd in on me. First, Peterson's traditionalism is only an echo of Paul's advice to married couples in Ephesians, not to mention John Milton's deathless description of Adam and Eve: "He for God only; she for God in him." Second, his words are spoken in answer to a community where I've repeatedly heard black women describe black men as "weak" and black men describe black women as "mean." Third (and I can't wait to drop this comment at my wife's next dinner party), the happiest middle-class white families I know are still fashioned on some version of Peterson's principle—the husband as head of the household—as long as that leadership is understood, as Peterson understands it, to be subject to an overarching moral order of love, gentleness, and grace.

"What men don't understand is that they represent God in the family, in the home, and . . . they're supposed to love what's right more than anything else," Peterson tells me. "And when they love that, then God dwells in them and works through them to guide them in the right way so that they can guide their families."

Peterson's program for restoring this paradigm is fashioned from his personal experience—almost, in fact, a universalization of his autobiography. Born in 1949 in the sleepy little town of Comer Hill, Alabama, he grew up on the former plantation where his great-grandparents had labored as slaves. His father would not acknowledge him, and his mother had moved north to start a family with another man. Peterson was raised by his grandmother and frequently disciplined by his grandfather, who managed the old farm for its white owners. But despite the fact that his great-grandfather had been murdered by a white mob, and despite the Jim Crow world in which they lived, "Not once did I hear them blame white folks or say that it was because we were black," he tells me. "They understood that it was wrong, but they understood that it was a *moral* issue, it was a *spiritual* issue. And so they taught us not to hate."

It was not racism that troubled the young Peterson as much as what he calls a "hunger for father." He writes in his autobiography: "I used to yearn, to literally ache in my gut, for him to come into my life and make himself known to me, and claim me as his son." Peterson did come to know his father in his early teens and drew deep satisfaction from occasional visits to him in East Chicago, Indiana, where he had a family and owned a laundry business. At 16, Peterson moved in with his mother and stepfather in the nearby city of Gary and there came to learn of her deep resentment of the man who denied impregnating her. "Her anger at him kept her from loving me," Peterson writes.

On graduating high school, Peterson moved to Los Angeles and was soon adrift in the sixties counterculture. After a series of odd jobs, he learned how to play the welfare system. Merely by claiming to be a drug addict, he was able to cadge $300 a month in government handouts, plus rent and food stamps. He stopped working altogether, turned to full-time drug use and sex, and "descended into a pit of irresponsibility and laziness. It nearly destroyed me." Peterson and his friends in South Central L.A. would frequently gather around the radio to listen to Louis Farrakhan. The fiery Nation of Islam preacher "made me feel good to be black" and "caused me to hate the white people around me." Through most of his thirties, Peterson writes, "I was a sullen, furious, and racist black man."

It was another radio preacher who changed Peterson's direction: Roy Masters, a British convert from Judaism, who advocated praying to God for self-knowledge and listening quietly for God's response. Such prayers led Peterson to confront his anger, not against whites, but against his own parents, so that he came to understand himself outside the context of his skin color. He visited his mother and forgave her for her anger. She cried. He visited his father and forgave him for his neglect. The older man was grateful. For Peterson, the experience was liberating and set him on the path of ordination and a successful, directed life.

It is, in its general outlines, an archetypal black American life story—the same arc from poverty and prejudice to drift and personal

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degradation to revelation and reclamation that defines, say, *The Autobiography of Malcolm X* or *Manchild in the Promised Land*. What distinguishes Peterson's story, what distinguishes Peterson, is the ferociously un-racial, nearly anti-racial terms in which he came to understand his salvation. Having nearly lost himself in the narrative of being an angry black man in a racist America, he now seeks to reclaim angry black men by having them reproduce his personal narrative of purely individual forgiveness, liberation, and faith. With emotional, educational, and career counseling of the young men who come to BOND, "we are putting the fathers back by showing them how to overcome anger," he says. "They have to first forgive their fathers for not being there to guide them and to fill that emptiness that they feel within themselves. They have to forgive their mothers for being angry at the fathers and turning the children away from the fathers. . . . And then they have to stop resenting themselves. And when they can forgive, then you feel good within yourself and you can move on with life."

What distinguishes Peterson is the nearly anti-racial terms in which he came to understand his salvation.

It seems clear why such a program would have less mass appeal than Jesse Jackson's I'm-black-you're-racist-give-me-something-or-else approach. Identity politics is easy; forgiveness is hard. The kind of personal forgiveness that Peterson preaches is more difficult, too, than the straighten-up-and-do-right Christianity of many more popular white ministers, like Rick Warren and Joel Osteen, because it requires an inner revolution rather than outward restraint.

And for now, at least, the evidence of BOND's effectiveness is purely anecdotal. Some of the graduates of the program are working for BOND—to all appearances, happily and effectively. There are a few testimonials on the website, and there are those smiling pictures of graduates and participants in Peterson's office. "One or two didn't make it," he tells me. "But most do."

Six young men, aged 16 to 30, are currently living in BOND's nearby Home for Boys. The place looks exactly like what any parent would expect a well-tended home filled with males to look like. The bedrooms are a bit rough-and-tumble in the folded-clothes department but clean underneath. There are the requisite big-screen TV and X-Box in the front room, a pleasant kitchen and a usable washer-dryer toward the back, and a patio with a barbecue outside. Run by a live-in manager and his assistant, the Home is a place for young men to learn how to find work, save money, and pay bills. While most of the residents were at school or work when I visited, 30-year-old Mensah Watts was there doing the laundry on his day off from one of his two full-time jobs: maintenance worker at UCLA and clerk at a CVS drugstore. He hopes to become a writer and is working on a fantasy novel and a memoir in his rare off hours. He credits Peterson with his reclamation from anger and rebellion. For all that, however, there is no tracking system for BOND graduates and no statistics with which to gauge the program's success.

Statistics for failed approaches, on the other hand, are plentiful. After 40 years of the racially based politics that Peterson condemns—40 years of activists crying bias, of billions of dollars in race-sensitive government programs—the black illegitimacy rate, with its high correlation to poverty levels, has more than tripled, to over 70 percent; the black homicide rate is more than seven times higher than the combined white and Hispanic rate; and blacks' average SAT scores are 200 points below whites'. Whether we agree with everything the minister says or not, it's worth wondering if Shelby Steele isn't right when he says of Peterson's life story that it "does what the entire field of American sociology fails to do. It makes the point that traditional values are *transformative* in themselves and, therefore, the best antidotes to social dysfunction."

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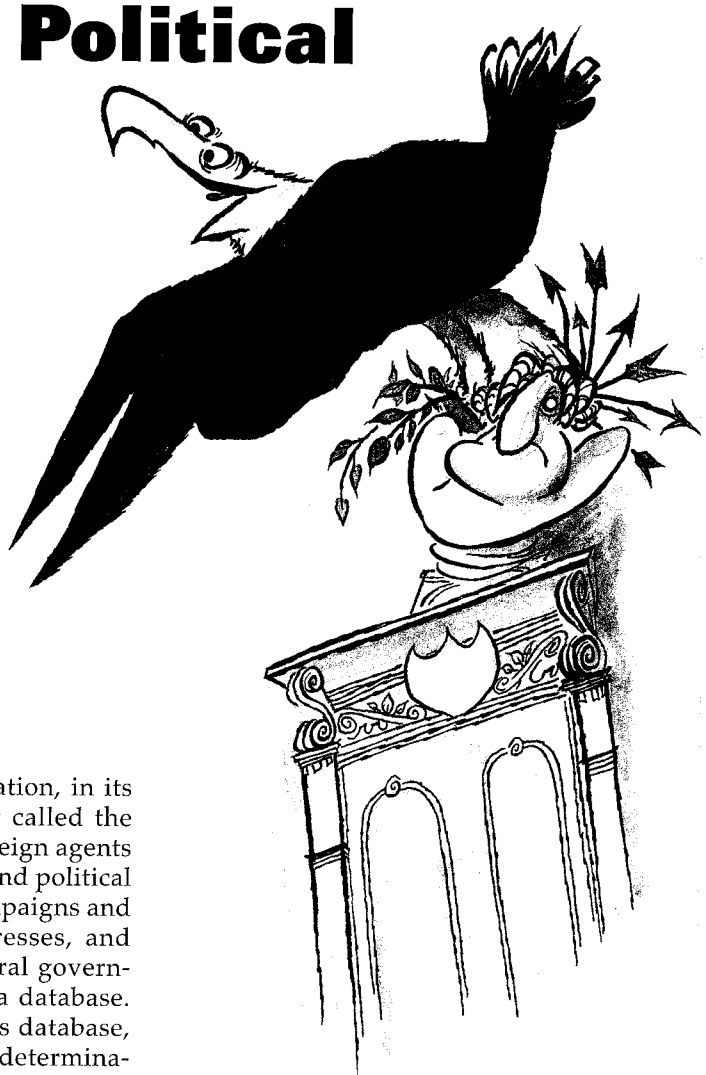
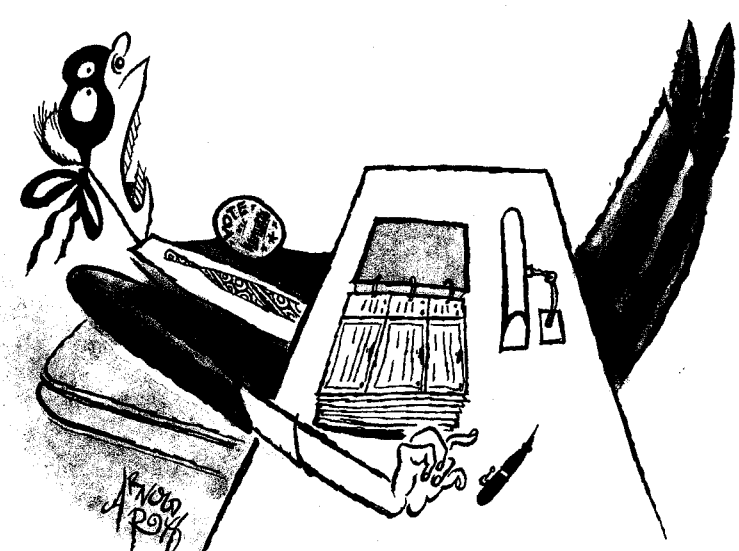
In Defense of Political Anonymity

Campaign-finance disclosure rules have encouraged harassment of donors and coarsened public debate.



Bradley A. Smith

Imagine if the George W. Bush administration, in its waning days, had introduced something called the Patriot II Act. To prevent terrorists and foreign agents from influencing American governments and political parties, the act would require political campaigns and other groups to report the names, addresses, and employers of their supporters to the federal government, which would enter the information into a database. The act would also give businesses access to this database, enabling them to make hiring decisions, credit determinations, and other choices based on political activity. Can anyone doubt that Patriot II would be widely considered a gross violation of civil liberties?



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Fortunately, the government never passed such a bill. Unfortunately, it didn't need to: this is already the law, and it has been for over 30 years. It is, in fact, one of the most popular laws in America: the Federal Election Campaign Act, which does indeed require campaigns, political parties, and certain citizens' groups engaged in politics to report the names, addresses, and employment information of their financial supporters. This information is maintained in a government database that is available to anyone—businesses, union bosses, local officials, nosy neighbors, and whoever else might be curious about somebody's politics.

The idea of *limiting* financial support of politics remains deeply controversial, even seven years after the passage of the so-called McCain-Feingold bill, which extended many of the Federal Election Campaign Act's limitations on contributions to previously unregulated political activities. Yet even the most ardent opponents of McCain-Feingold seldom question the disclosure requirements of the original 1972 act. So widely accepted is the idea that campaign contributions and personal information about donors ought to be public that many people don't even consider it regulation. When the First Amendment counsel for the ACLU, the late Marv Johnson, met in 2006 with a prominent congressional reformer to argue against a proposal to regulate grassroots political activity, he was assured that no new "regulation" was contemplated—"just disclosure."

But it's far from clear that the forced disclosure of political contributions has benefited society. Disclosure has resulted in government-enabled invasions of privacy—and sometimes outright harassment—and it has added to a political climate in which candidates are judged by their funders rather than their ideas.

espite its overwhelming acceptance today, the idea that political contributions should be widely disclosed is not deeply rooted in the nation's history. The earliest campaign-disclosure laws date to the late nineteenth century, and they were essentially meaningless until the 1970s. When pioneering researcher Louise Overacker wanted to examine federal campaign-finance reports in the 1930s, she was led to a closet in the Capitol where the reports were piled on the floor in no particular order. Candidates had to report only the contributions that they personally knew about, and there were no uniform reporting standards, requirements to correct or update reports, or prosecutions for those who didn't file them.

Things were largely the same with such state laws as existed. For example, through the 1960s, California politicians could comply with the state's disclosure law by providing an unalphabetized list of donors without amounts, addresses, or even full legal names. Moreover, in those pre-Internet days, viewing the reports was a major undertaking that required going to a central repository and working through stacks of paper—not a task undertaken lightly.

This started to change with the Federal Election Campaign Act's passage in 1972. At about the same time, states began mandating disclosure or adding teeth to laws already on the books. But there was some doubt that disclosure laws were constitutional, as the Supreme Court had repeatedly held that the First Amendment protected anonymous speech, striking down statutes that required union organizers and organizers of merchant boycotts to disclose their identities or sources of funding. In a 1958 decision, *NAACP* v. *Alabama*, the Court also protected the NAACP's right to keep its membership anonymous in the face of a state subpoena. The Court recognized that forced disclosure of members and financial contributors could have a broad chilling effect on political speech.

Nevertheless, in *Buckley* v. *Valeo*, decided in 1976, the Supreme Court upheld the constitutionality of the federal campaign-finance disclosure law. The curious result is that only in the realm of explicit political speech—perhaps the most important kind of speech protected by the First Amendment—has the Court broadly permitted government to mandate disclosure about speech that is neither fraudulent, false, nor an imminent threat to public safety.

Today, campaigns and citizens' groups in 49 states must report information on their financial supporters to the state as well as to the federal

Illustrations by Arnold Roth

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government. The feds and most states post the names and addresses of these contributors on the Internet. In federal races, information is public for all political contributions over $200. But the threshold for mandatory disclosure is $100 or less in more than 40 states, including Arizona, Iowa, Washington, and Wyoming ($25); Colorado, Michigan, and Wisconsin ($20); and West Virginia (just a buck). Thirty-six states and the federal government also require public disclosure of contributors' occupations and employers. And all 24 states that allow ballot initiatives extend these laws to cover contributions to ballot-issue committees.

The idea that you should be compelled to reveal your political activity to the government is often justified by "the public's right to know." But the public doesn't, of course, have a right to know about most things that you do—about your job-performance reviews, income-tax returns, credit history, birth-control purchases, school grades, employment history, book purchases, dieting habits, or voting choices, to give just a few examples. Some of this information may become available to the public, but only because you volunteer it, not because the government mandates it. Why should your donations be any different?

One oft-heard answer is that the public has a right to be informed of influences, including financial influences, that might affect the judgment and actions of its elected representatives. It happens that the degree to which campaign contributions actually influence legislative behavior is hotly disputed in the professional literature. But set that aside for now and assume, as most casual observers and the Supreme Court do, that the possibility is there. Federal and state laws would still set the threshold for disclosure far too low. People who donate $20 to a Michigan candidate, or even $200 to a federal one, will exercise zero influence on the candidate if he's elected. That their contributions—and addresses and employers—need to be publicly disclosed to prevent corruption is a proposition that can scarcely be stated with a straight face.

Even where it arguably offers public benefits—as in the case of truly large individual contributions or institutional contributions from political action committees, corporations, or unions—compulsory disclosure brings with it rarely appreciated costs. Above all, it invites government officials to abuse their power. From 1995 through 2006, when Republicans controlled Congress, they executed the "K Street Project," using compulsory-disclosure data to compile a list of the 400 largest political action committees and their giving patterns. Affiliated lobbyists were then called into the offices of Republican leaders and shown their place in either a "friendly" or an "unfriendly" column. Democrats complained endlessly about the project, but when they regained the majority in 2007, they took advantage of compulsory disclosure and employed the same tactic. As one understandably anonymous lobbyist told the *Wall Street Journal* in 2007, Democrats quickly put out the word that "if you have an issue on trade, taxes, or regulation, you'd better be a donor and you'd better not be part of any effort to run ads against our freshmen incumbents." Disclosure is what makes the threats work.

Nor is the government the only entity likely to use disclosure information to punish people. In the summer of 2006, Gigi Brienza, an employee at the pharmaceutical company Bristol-Myers Squibb, was notified by the company's security department that her name and home address appeared on a list of "targets" posted online by the radical animal-rights group Stop Huntingdon Animal Cruelty (SHAC). SHAC's ultimate target was Huntingdon Life Sciences, a London-based lab that tested drugs on animals. The previous year, the FBI had identified SHAC as a leading domestic terrorist threat whose members had, among other things, assaulted a Huntingdon manager in the United Kingdom with a baseball bat and vandalized the house and car of a Huntingdon executive in the United States.

Brienza had been targeted because Bristol-Myers Squibb did business with Huntingdon, even though Brienza herself had no contact with the lab. But how had SHAC learned that Brienza worked for Bristol-Myers Squibb? And how had

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the terrorist group located her address, and the addresses of some 100 other Bristol-Myers employees, before posting them under the ominous heading NOW YOU KNOW WHERE TO FIND THEM? Simple: in 2004, Brienza had contributed $500 to John Edwards's presidential campaign. The FBI eventually confirmed that SHAC culled Brienza's employer information and address from the records that the campaign had to file with the government.

Of course, most donors won't end up on a terrorist group's hit list, but less violent forms of retaliation and discrimination have become routine. After last year's passage in California of Proposition 8, which amended the state's constitution to ban same-sex marriage, the proposition's financial backers found themselves subjected to a wide range of retaliatory measures. Richard Raddon, director of the Los Angeles Film Festival, had contributed $1,500 in support of Prop 8; he was forced to step down after opponents of the proposition threatened to boycott the Festival. El Coyote, a popular restaurant in Los Angeles, faced weeks of protests and boycotts because the owner's daughter had contributed $100 to support Prop 8; police were eventually called to control the protesters, and the daughter left town. Scott Eckhern, the longtime artistic director of Sacramento's California Musical Theatre, was forced to resign because he'd contributed $1,000 to the campaign. The Cinemark movie-theater chain suffered boycotts because its CEO, Alan Stock, had donated $9,999.

The question isn't whether opponents of Proposition 8 had a right to initiate peaceful, lawful boycotts and protests. It's whether the government should compel the disclosure of political activity, thus enabling such boycotts. "Years ago we would never have been able to get a blacklist that fast and quickly," pointed out Candace Nichols of the Las Vegas Gay and Lesbian Community Center. (Apparently, we have made progress since the McCarthy era.) Yet gays, of all people, should feel threatened by forced disclosure of political contributions. Many doubtless prefer that their sexual orientation remain unknown to their coworkers, employers, and customers. For such people, a contribution to the Log Cabin Republicans, the Human Rights Campaign, or other political organizations that promote gay rights amounts to an involuntary outing, courtesy of the government.

The use of campaign-contribution databases as a tool of intimidation, as opposed to mere ostracism or boycott, is increasing. A growing number of websites, such as the Huffington Post and EightMaps, display the homes of donors to various candidates, parties, and political action committees on maps. In August 2008, a liberal group called Accountable America used compulsory disclosure data to send letters to nearly 10,000 prominent conservative donors, threatening publication of their names and, in the words of the *New York Times*, "digging through their lives" if they continued their financial support. The group was "hoping to create a chilling effect that will dry up contributions," the *Times* noted.

In the Republic's early days, it's important to remember, anonymous and pseudonymous political speech was common.

In the Republic's early days, it's important to remember, anonymous and pseudonymous political speech was common. The most famous example is *The Federalist Papers*, written by Alexander Hamilton, James Madison, and John Jay under the pseudonym "Publius." Countering their arguments for the proposed Constitution, prominent statesmen like Richard Henry Lee and Samuel Adams also wrote under pseudonyms, including "Federal Farmer," "Brutus," and "Candidus." Often, the newspapers in which these authors published their work were themselves supported by anonymous financiers. And in later years, many prominent Americans wrote anonymously, including Chief Justice John

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Marshall, who wrote as "a Friend of the Union" and "a Friend of the Constitution" to explain and elaborate his important opinion in *McCulloch* v. *Maryland*. Thomas Jefferson, Abraham Lincoln, and Winfield Scott anonymously subsidized political tracts and newspapers.

The great historian of *The Federalist Papers*, Clinton Rossiter, noted that the authors wrote pseudonymously for "sound political purposes." For one thing, they didn't want their disagreements to interfere with their other activities—a reason that remains valid today. For several years, Case Western law professor Jonathan Adler blogged pseudonymously as "Juan Non-Volokh" at the popular blog Volokh Conspiracy. As an untenured professor, Adler worried that his frank writing on political issues might compromise acceptance of his academic work. Former Bush speechwriter David Frum explains why several contributors to his new website, Frum Forum, prefer to use pseudonyms: "Often, the contributor is a government employee concerned about the consequences of speaking too frankly about the work of his bureaucracy. In one case, the author was writing about wrongdoing by someone he regularly encountered socially."

This argument for anonymity applies to financial supporters of campaigns as well. In 2007, John Kerry and congressional Democrats vetoed the nomination of Republican donor Sam Fox to be ambassador to Belgium—not because Fox was unqualified but because he had contributed to Swift Boat Veterans for Truth, a group Kerry felt had unfairly criticized him in his 2004 presidential race. As Senator Chris Dodd explained in support of Kerry, Fox's "unwillingness to . . . express regret for providing $50,000 to bankroll the organization convinced me that he would not be an acceptable candidate to represent the United States." The message was clear: support a group that legislators deem too vigorous in its criticism, and the legislators will retaliate.

A second reason that the *Federalist* authors wrote pseudonymously, Rossiter pointed out, was that they wanted to have their arguments debated on the merits, rather than through personal attacks. But disclosure fosters exactly the opposite idea: that the identity of the speaker matters more than the force of his argument. For example, in the 1990s, as term limits stormed to success after success, they suffered their only state-level ballot defeat in Washington State, after voters learned that funders of the measure included the libertarian Koch brothers. As Brian Doherty recounts in *Radicals for Capitalism*, "suddenly the fight was not about the wisdom of term limits, but the probity of eliminating drug laws and Social Security." In fact, the Supreme Court stated in *Buckley* v. *Valeo* that disclosure laws would "allow voters to place each candidate in the political spectrum more precisely than is often possible solely on the basis of party labels and campaign speeches." This amounts to an endorsement of ad hominem argument, whose ability to debase political debate the Founders understood very well.

A political culture that focuses excessively on the "who" rather than the "what"—one that fosters the view that if we know who wrote an opinion, it is not necessary to read the opinion itself—is not healthy. Look at the comments section in almost any political blog, on the left or the right, and you'll see comments almost uniformly taking a quick turn into attacks on the identity and motivation of the writers. The decline in the quality of our civic discourse can't be dumped entirely at the foot of mandatory disclosure, of course. But laws that regard the identity of speakers as fundamental to the public's ability to judge arguments may well exacerbate a thoughtless, partisan, nasty brand of political debate.

For 35 years, mandatory disclosure of political contributions has been the most popular part of the campaign-finance "reform" agenda. Yet the idea that Americans should report their political activity to the government is, in many ways, the most un-American part of that agenda. Excessive disclosure invades privacy to little benefit and provides government—and others—the information they need to retaliate against people holding unpopular or inconvenient views. Moreover, compulsory disclosure sends the message that identity, not ideas, matter. Call the result "ad hominem democracy," an atmosphere in which serious, civil debate about issues seems ever harder to find.

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Tomorrow's Wars

Enormous, massively destructive engagements may again be on the horizon.

Victor Davis Hanson

"Have we not seen, then, in our lifetime the end of the Western way of war?" Two decades ago, I concluded *The Western Way of War* with that question. Since Western warfare had become so lethal and included the specter of nuclear escalation, I thought it doubtful that two Western states could any longer wage large head-to-head conventional battles. A decade earlier, John Keegan, in his classic *The Face of Battle*, had similarly suggested that it would be hard for modern European states to engage in infantry slugfests like the Battle of the Somme. "The suspicion grows," Keegan argued of a new cohort of affluent and leisured European youth—rebellious in spirit and reluctant to give over the good life to mass conscription—"that battle has already abolished itself."

Events of the last half-century seem to have confirmed the notion that decisive battles between two large, highly trained, sophisticated Westernized armies, whether on land or on sea, have become increasingly rare. Pentagon war planners now talk more about counterinsurgency training, winning the hearts and minds of civilian populations, and "smart" interrogation techniques—and less about old-fashioned, "blow-'em-up" hardware (like, say, the F-22 Raptor) that proves so advantageous in fighting conventional set battles. But does this mean that the big battle is indeed on its way to extinction?

Big battles sometimes changed entire conflicts in a matter of hours, altering politics and the fate of millions. It is with history's big battles, not the more common "dirty war" or insurgency, that we associate radical changes of fortune as well as war poetry, commemoration, and, for good or ill, the martial notions of glory and honor. Had the Greeks lost their fleet at "Holy" Salamis in 480 BC, instead of beating back the Persian invaders, the history of the polis might well have come to an end, and with it a vulnerable Western civilization in its infancy. Had the Confederates broken the Union lines at Gettysburg and swept behind Washington, Abraham Lincoln would have faced enormous pressure to settle the Civil War according to the status quo

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The Battle of Issus in 333 BC pitted Persian king Darius III against Alexander the Great.

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ante bellum. If the "band of brothers" had been repulsed at Normandy Beach on the morning of June 6, 1944, it is difficult to imagine that they would have reattempted an enormous amphibious invasion soon after—but easy instead to envision a victorious Red Army eventually camped on the Atlantic Coast and occupying Western Europe.

Yet set engagements, it's important to note, have never been the norm in warfare. The 27-year-long Peloponnesian War saw only two major ground engagements, at Delium (424 BC) and Mantinea (418 BC), and a few smaller infantry clashes, at Solygeia and outside Syracuse. In the asymmetrical struggle between Athenian naval power and premier Spartan infantry, the most common kinds of fighting were hit-and-run attacks, terrorism, sieges, constant ravaging of agriculture, and sea and amphibious assaults. True, during the murderous Roman Civil War (49–31 BC), frequent and savage battles at Actium and elsewhere claimed more than a quarter-million Roman lives. Yet after the creation of the Principate by the new emperor, Augustus, much of the Mediterranean world was relatively united and free of frequent major battles for nearly half a millennium. And after the fall of the Roman Empire, for most of the Middle Ages, sieges and low-intensity conflict were more common than major engagements such as Poitiers (732), Hattin (1187), and Crécy (1346).

In fact, the course of military history has been strikingly cyclical. The eminent military historian Russell Weigley once described an "Age of Battles"—a uniquely destructive two centuries of pitched warfare between Gustavus Adolphus's victory at Breitenfeld (1631) and Napoleon's defeat at Waterloo (1815)—in which European armies of multifarious rivals, often in vain, sought to decide entire wars in a few hours of head-to-head fighting. That age ended with the agreements following the Congress of Vienna, which (along with military deterrence) kept a general peace in Europe for nearly a century. Set battles were common only in colonial theaters (Tel el Kebir, Omdurman), in Asia (Tsushima), and in the Americas (the decisive battles of the Mexican, Spanish-American, and American civil wars).

Then, during the first half of the twentieth century, came another Age of Battles, with the First and Second World Wars witnessing the most destructive fighting in the history of arms. The details of Iwo Jima, Kursk, Marne, Meuse-Argonne, Okinawa, Passchendaele, the Somme, Stalingrad, and Verdun still chill the reader. Asia saw horrors of its own: most Westerners know little about the Huaihai campaign (late 1948–49), in which the Nationalist Chinese lost an entire army of 600,000 to the Communists in mostly conventional fighting.

Today, the world is clearly enjoying another respite from huge set battles. Except for the daring American landing at Inchon (September 1950) and the subsequent first liberation of Seoul, few battles of the last seven decades resembled the Battle of the Bulge. Far more common in the past half-century have been the asymmetrical wars between large Westernized militaries and poorer, less organized terrorists, insurgents, and pirates. The list of theaters where conventional forces have battled guerrillas is long: Afghanistan, Grozny, Iraq, Kashmir, Mogadishu, the Somali coast. Seldom does an indigenous force dare to come out in the open, marshal its resources, and test head-on the firepower and discipline of a Westernized force. History's record on that score—from Tenochtitlán to Omdurman—is not encouraging for those who try.

Those who have successfully attacked the United States—in Lebanon (1983), at the Khobar Towers in Saudi Arabia (1996), at America's East African embassies (1999), on the USS *Cole* (2000), and in New York and Washington in 2001—did so as terrorists. If nation-states sponsored such radical Islamist groups, they nearly always denied culpability, avoiding an all-out conventional war with the United States that they would inevitably lose—as the brief rout of the Taliban in Afghanistan demonstrated in 2001.

Amid the murderous fighting between well-organized armies during the Vietnam War, North Vietnam as a matter of practice did not attempt to engage Western forces in formal set engagements. (The sieges at Khe Sanh and, earlier,

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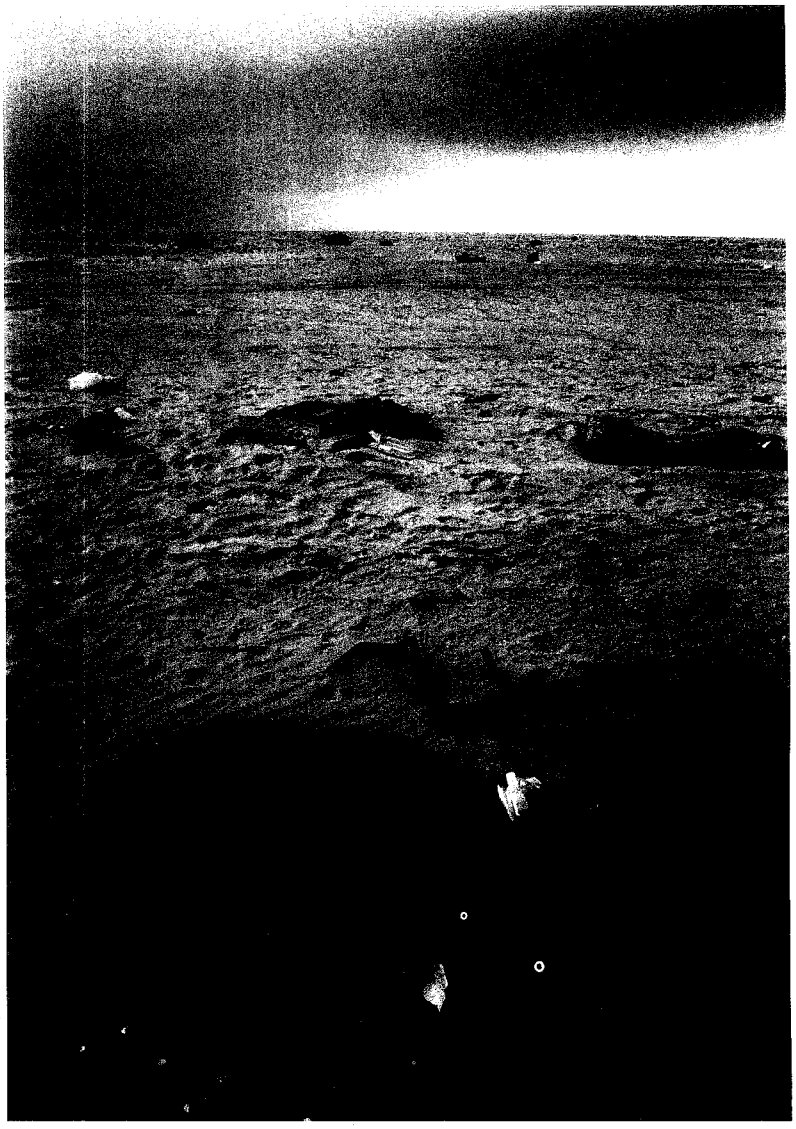
against the French at Dien Bien Phu proved the exceptions rather than the rule and were themselves not traditional collisions of infantry.) In its failed attempt in the 1980s to take over Afghanistan, the Soviet army may have killed more than 1 million Afghans without once engaging in a set collision with tens of thousands of jihadists. We still do not know all the gory details of the Iran-Iraq war (1980–89), in which more than 1 million combatants and civilians perished. But despite the carnage that characterized that war, set engagements, out in the open, between two massed armies were not a major part of the conflict, so far as we know.

Even the "Mother of All Battles" in the 1991 Gulf War was largely a rout. The tank battle at Medina Ridge involved hundreds of armored vehicles but lasted little more than an hour—the Americans suffering neither casualties from enemy fire nor a single Abrams tank destroyed, while obliterating 186 Iraqi tanks. Today, few Americans even know what Medina Ridge was. In other engagements, most of Saddam's army disintegrated rather than fight advancing American armor—as was commonly the case again during the three-week war of 2003.

Some decisive fighting took place between British and Argentinean units during the Falklands War of 1982, but on a minuscule scale compared with the twentieth century's bloody engagements. Tank battles raged in the Golan Heights during both the Six-Day War (1967) and the Yom Kippur War (1973). For a few days, also in 1973, the Israelis and the Egyptian Third Army fought each other openly in the desert expanses of the Sinai Peninsula. But the far more usual pattern of the inconclusive Israeli-Arab conflict has been terrorism, intifadas, bombings, and missile strikes.



WESLEY BOCXE/NEWSMAKERS/GETTY IMAGES

In the Gulf War's "Mother of All Battles" (1991), allied forces routed Saddam Hussein's army.

Why does decisive battle wax and wane in frequency, and why has it become rarer again? The political landscape certainly explains much. Empire of any sort can lessen the incidence of warfare. Unified, central political control transforms the usual ethnic, tribal, racial, and religious strife into more internal and less violent rivalries for state representation and influence. Once Philip unified Greece under a Macedonian hegemony after Chaeronea (338 BC), set battles between city-states, so common earlier in the fourth century BC, became a rarity. For now,

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Today, asymmetrical conflicts are more common than large set battles. Above: a U.S. convoy passes a car destroyed by insurgents in Baghdad.

anyway, the European Union lacks the interstate rivalry that plunged Europe into murderous battles for much of the first half of the twentieth century.

When the world is divided into larger blocs that have sizable, competent conventional forces—such as the Soviet and American spheres during the Cold War—confrontation can potentially turn catastrophic, given the vast resources available to each side. Yet it's also possible that in such a bipolar world, battling along nationalist lines, among a variety of state players, will be less frequent. No nation of the Warsaw Pact fought the Soviet Republic; American allies like Iran did not threaten American allies like Israel; Tito and Yugoslavian Communism for a time kept Bosnians, Croats, Kosovars, Macedonians, and Serbs from killing one another.

In the present age, many of the most powerful economies in the world are united under the loose rubric "the West," which includes some former nations of the British Empire (Australia, Canada, New Zealand), the transatlantic NATO alliance (most of the European Union and the

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United States), and democratic nations of the Pacific (Japan, the Philippines, South Korea, Taiwan), along with miscellaneous allies, capitalist and democratic, such as India and Israel. At present, there is virtually no likelihood that we will see decisive battles between any of these similarly minded democratic states, even though a mere 70 years ago, when consensual government was less widespread among them, most of them squared off in various temporary alliances against one another in terrible engagements.

echnology also helps explain the current decline in conventional battles. The battlefield can now be seen and mapped to the smallest pebble through aerial photography, often by unmanned drones that update pictures second by second. Surprise is rare. Potential combatants know the odds in advance. They can use the Internet to download the most minute information about their adversaries. Generals can see streaming video of prebattle preparations and calculate, to some degree, the subsequent cost.

Uncertainty and the unknown were often essential to the outbreak of decisive battles, since each opposing force usually felt it had some chance of operational success. Had the British enjoyed satellite reconnaissance of the German lines in the days before and during the Somme, they might have curtailed their suicidal assaults. Had the Americans possessed live streaming video of Japanese forces fortifying bunkers on Okinawa, they might not have chosen to assault the Shuri Line frontally. Pickett's Charge up Cemetery Ridge at Gettysburg was predicated on an erroneous assumption that there was an especially weak spot in the Union's line—a conjecture that General Robert E. Lee would have easily corrected if he'd had a Predator drone at his disposal.

Weaponry is not static. It resides within a constant challenge-and-response cycle between offense and defense, armor and arms, surveillance and secrecy. Body armor may soon advance to the point of offering, if only for a brief period, protection against the bullet, which centuries ago rendered chain and plate mail useless. The satellite killer may render the satellite nonoperational. Sophisticated electronic jamming may force down the aerial drone. Yet for now, the arts of information-gathering about an enemy trump his ability to maintain secrecy, thus lessening the chance that thousands of soldiers will be willing to march off to massive battle.

Weaponry is not static. It resides within a constant challenge-and-response cycle between offense and defense.

The cost of today's military technology, too, renders big battles more unlikely. To wage a single decisive battle between tens of thousands of combatants along the lines of a Gaugamela or a Verdun would cost hundreds of billions of dollars, a figure far beyond the resources of most belligerents. A single B-1 bomber on patrol overhead represents a $1 billion investment. Abrams tanks go for over $4 million. A single cruise missile can cost over $1 million. One GPS-guided artillery shell may cost $150,000; one artillery platform could expend over $10 million in ordnance in a few hours. Even a solder's M-4 assault rifle runs well over $1,000. The result is that very few states can afford to outfit an army of, say, 100,000 infantry, supported by high-tech air, naval, and artillery fire—much less keep it well supplied for the duration of battle. Even in the 1973 Yom Kippur War, when weapons were cheap compared with today's models, both Egypt and Israel needed massive amounts of new weaponry from the Soviet Union and the United States shortly after the commencement of fighting.

lobalization—accelerated by technology—is another reason that decisive battles are uncommon today. Instant cell-phoning and text-messaging, the Internet, access to DVDs, and satellite television have created a world culture

ALI YUSSEF/AFP/GETTY IMAGES

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that depends on uninterrupted communications. It frowns on massive disruptions in airline flights, banking, and the easy importation of consumer goods. Electronic togetherness hinges on our shared appetites—and a growing communal comfort factor. When Russia invaded Georgia, its oil buyers became upset. So did its own aristocratic grandees, who saw international capital flee Moscow. European states worry about oil shortages, should the U.S. bomb Iran; China frets about its vital American export market, should it invade Taiwan.

Finally, changing mores have changed military tactics. The current ascendant belief in the West that war is unnatural, preventable, and the result of rational grievances—that it can, with proper training and education, be eliminated—has probably made battle less tenable among the general public. The bombing of fleeing Iraqi bandit brigades from Kuwait on the so-called Highway of Death in the first Gulf War was halted by popular outrage because of the televised carnage. The abhorrent images of death on millions of television screens easily trumped the argument that the enemy, who had just committed rapine in Kuwait, should be punished—or preempted, since he was likely to regroup in Iraq to slaughter Kurdish and Shiite innocents again. Russia's shelling and destruction of Grozny escaped world condemnation only because a news blackout ensured that Westerners saw little of mass death.

We shouldn't assume, though, that these various forces will always prevent set battles. Similar predictions have proved wrong before. In 1909, Norman Angell's *The Great Illusion* argued that Europe had achieved too great an interdependence of financial credit, economic integration, and prosperity to throw it all away on nihilistic warmaking. The Somme, Passchendaele, and Verdun shortly followed.

Human beings remain emotional, irrational, and guided by intangible calculations, such as honor and fear, that collectively can induce them into self-destructive behavior. Armed struggles that at times result in horrific collisions are as old as civilization itself and are a collective reflection of deep-seated elements within the human psyche—tribalism, affinity for like kind, reckless exuberance—that are constant and unchanging. We are not at the "end of history."

Can big battles, then, haunt us once more? If the European Union were to dissolve and return to a twentieth-century landscape of proud rivals, or if the former Soviet republics were to form a collective resistance to an aggrandizing Russia (as they did for much of the nineteenth century), or if the North Koreans, Pakistanis, or Chinese were to gamble on an agenda of sudden aggression (as they have on previous occasions when they were confident of achieving political objectives), then we might well see a return of decisive battles. The U.S. military still prepares for all sorts of conventional challenges. We keep thousands of tanks and artillery pieces in constant readiness, along with close-ground support missiles and planes, in fear that the People's Army of Korea might try to swarm across the Demilitarized Zone into Seoul, or that the Chinese Red Army might storm the beaches of Taiwan.

Waterloos or Verduns may revisit us, especially in the half-century ahead, in which constant military innovation may reduce the cost of war, or relegate battle to the domain of massed waves of robots and drones, or see a sudden technological shift back to the defensive that would nullify the tyranny of today's incredibly destructive munitions. New technology may make all sorts of deadly arms as cheap as iPods, and more lethal than M-16s, while creating shirts and coats impervious to small-arms fire—and therefore making battle cheap again, uncertain, and once more to be tried. Should a few reckless states feel that nuclear war in an age of antiballistic missiles might be winnable, or that the consequences of mass death might be offset by perpetuity spent in a glorious collective paradise, then even the seemingly unimaginable—nuclear showdown—becomes imaginable.

In short, if the conducive political, economic, and cultural requisites for set battles realign, as they have periodically over the centuries, we will see our own modern version of a Cannae or Shiloh. And these collisions will be frightening as never before.

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No State Left Behind

How to get states to improve their tests

Marcus A. Winters

What percentage of Georgia's fourth-graders are good readers? It seems to depend on whom you ask. The state will tell you that 85 percent of them met or exceeded the proficiency benchmark on its 2007 test. Not too shabby. On the other hand, only 28 percent of fourth-graders in Georgia scored high enough to be considered proficient on the National Assessment of Educational Progress (NAEP), an exam administered by the U.S. Department of Education that is usually regarded as the gold standard in education testing. The big difference results from where the two tests set their proficiency bars. Georgia sets its bar pretty low—so low that barely literate students can score high enough to be deemed proficient. The NAEP has a much higher standard; in fact, a student labeled "proficient" by Georgia could fail to score above "basic" on the federal test.

Unfortunately, Georgia's low standard is not anomalous. Three states have even bigger gaps in fourth-grade reading. Worse, standards are declining, even as graduates need more and more knowledge and skills to get ahead in the global economy. A recent federal study noted that 15 states lowered at least one of their proficiency standards in math and reading between 2005 and 2007.

States' low standards have spurred a bipartisan campaign to create worthwhile national ones. Conservative groups like the Fordham Foundation have pushed for national standards for years; more recently, President Obama and Secretary of Education Arne Duncan, as well as local leaders like New York City schools chancellor Joel Klein, have embraced the idea. But the road to national standards would be extremely tough to navigate politically. A more feasible approach would give all states an incentive to set objectively high standards themselves, and the looming reauthorization of the federal No Child Left Behind (NCLB) act gives us a perfect opportunity to do it.

The perverse incentives of NCLB clearly have something to do with the downward movement of state standards. NCLB punishes a school when too few of its students make progress toward math and reading proficiency—beginning with extending to students the choice of other public schools to attend and culminating with completely restructuring the school. But the law has a gaping loophole: states get to define proficiency however they want. A state can thus meet NCLB targets by defining proficiency down; toughening its standards, by contrast, handicaps its ability to meet the federal requirements.

Of course, low standards have their own appeal. The lower the standard, the more students pass it, and lots of supposedly proficient students make an education system look as though it's working well, even when it's not. State governments love to tell constituents that students are doing great on standardized exams; the public usually just assumes that the criteria used on those exams are meaningful.

States can get away with setting low standards in part because proficiency remains an inexact notion. In determining the difficulty of

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exam questions, states typically rely on the judgment of expert panels whose members ask themselves: "Would a 'proficient' student answer this question correctly, or is it so difficult that a student who gets it right should be considered 'advanced'?" The percentage of students who answered the question correctly also gets taken into account. Add to all this the fact that what constitutes an expert varies from state to state—and that the experts only make suggestions, which the state may ignore—and it's clear that the process has an unavoidably subjective dimension.

Given such confusion, the case for high, uniform, enforceable national standards seems strong. States with unchallenging standards do a disservice to their students, who wind up thinking that they have mastered the skills to succeed when they may in fact be way, way behind peers in more demanding states.

But national standards run up against serious objections. First, many worry that they threaten America's federalist system, which historically has made schooling a state matter. Back in 2002, some conservatives argued against enacting NCLB because they saw it as an unwarranted federal intrusion into state business. A congressionally set national standard would only expand Washington's role.

Even more troubling, though, is that we could wind up with a single *low* standard. Proponents of national benchmarks seem to think that they'll be the ones writing them. Bureaucrats in the U.S. Department of Education will have other ideas. So will congressmen from lower-achieving states, which won't want to be embarrassed by a national proficiency standard that their students can't reach. Since any system of setting a common standard—either by federal mandate or voluntary state agreement—depends on the cooperation of lousy performers like Georgia, it's hard to see how a demanding national standard would survive the political process. Similarly, if the NAEP became an enforceable national benchmark, pressure would grow to make it easier.

Duncan has acknowledged that in a system of high national standards, "test scores are going to drop in some places precipitously. And . . . we have to give those politicians cover for doing the right thing. So there is a tricky balance that we have to work on here." But no clear consensus has yet formed on how to strike that "tricky balance."

We could make better progress toward an effective testing regime if we changed our goal from uniform national standards to high *state* standards, which two simple amendments to NCLB could help bring about. First, we would remove the law's disincentives for states to adopt higher standards. Recall that NCLB holds schools accountable based solely on the percentage of students who score above a certain proficiency benchmark, however it is established. Not only does this encourage states to lower their standards; it makes little sense. After all, you can boost your odds of finding a school with high test scores just by looking in wealthy, white neighborhoods, where students benefit from the involvement of their educated parents. These students would meet the (often very low) proficiency benchmark even if their school weren't very good. In some excellent urban, minority-dominated schools, by contrast, students might be making tremendous progress but fail to meet NCLB requirements because of their disadvantaged backgrounds.

Instead of focusing solely on who counts as "proficient," NCLB's measure of school quality should also include the gains that students make from year to year on state tests. This would stop rewarding states that push down proficiency standards. (To work, a revised system would have to include rules ensuring that tests were scaled properly.) Such a "value-added" measure would also make more sense, since a truly effective school is one that makes a meaningful difference in how much its students learn.

An entirely value-added system isn't desirable, however, since it's important that we continue to provide schools with goals for student learning. The best system would combine value-added measures with a minimum proficiency standard; existing state and district accountability plans (New York City's, for instance) provide

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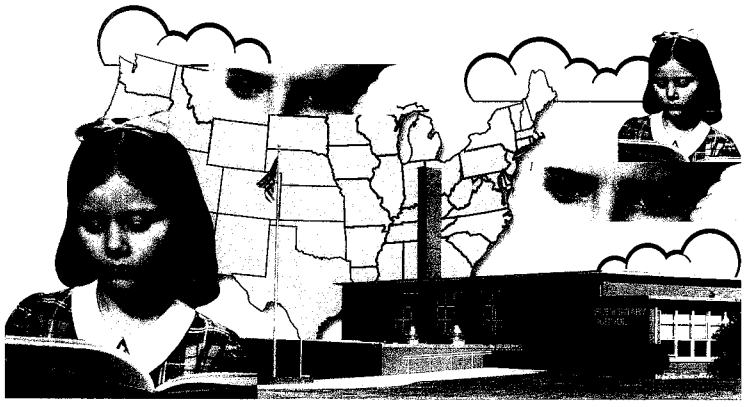
useful examples of such a hybrid approach.

ut even with NCLB's perverse incentives removed, some states will still prefer lower standards because they inflate records of achievement, satisfying citizens who just want to see higher scores. We need to give states an incentive to set *higher* standards.

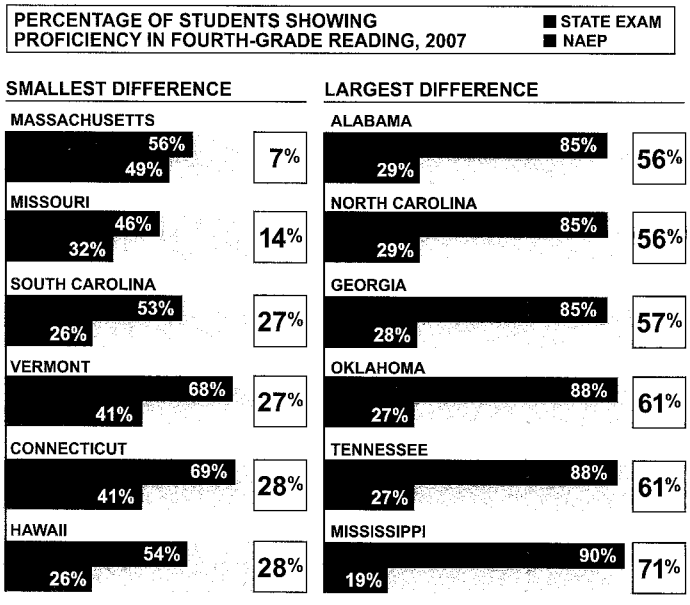
Here—a second tweak to NCLB—is how to do it. States would still develop their own tests in math and reading and set their own proficiency benchmarks. Every few years, though, the federal government would collect and administer each of these tests to a small but nationally representative sample of students. The scores that these students earned on the exams would provide a uniform and objective measure that could be used to compare the relative difficulty of standards across states. For example, a test that identified 80 percent of the nation's students as proficient would have a lower proficiency standard than one that labeled 40 percent as proficient.

With an objective measure of each state's standards in hand, a revised NCLB could then link some portion of a state's federal per-pupil funding to the standards' difficulty, relative to those of other states. The greatest bonus per pupil would go to the state with the highest standards, the next greatest bonus to the state with the next highest standards, and so on. Under such a system, states would have an incentive to raise standards—but not to set them unreasonably high, since some of their funding would still depend on the percentage of their students meeting the proficiency benchmark.

This system would still allow the definition of proficiency to vary, and that's sure to attack our sensibilities. But the system would at least encourage the proficiency benchmark to increase over time in each state, so that standards generally improve nationwide. In this system, the answer to the question "What should students know?" would always be "More!" That would help ensure that America's students acquire the skills they need to flourish in a twenty-first-century economy.



DUMBING DOWN THE TESTS



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Urbanities

The Education of John Jay

Myron Magnet

America's indispensable diplomat

Few could fathom why 55-year-old John Jay turned down President Adams's nomination to rejoin the Supreme Court when his two terms as New York's governor ended. What would lead him, in the hale prime of life, to retire instead to the plain yellow house he'd just built on a hilltop at the remote northern edge of Westchester County, two days' ride from Manhattan, where visitors were few and the mail and newspapers came but once a week? After 27 years at the forge of the new nation's founding, why would so lavishly talented a man give up his vital role on the world stage for the quiet life of a gentleman farmer?

But just that option—the chance for every man to sit quietly under his vine and his fig tree, with none to make him afraid—is what he had labored more than a quarter-century to bring about, and he felt he had achieved it. As the first chief justice both of New York and of the United States, as president of Congress and governor of his state, as secretary for foreign affairs and, most important, as the diplomat who stamped his vision on America's foreign policy for generations to come, he had tried to ensure for his countrymen the peace, order, and stability that had seemed to him fragile and elusive from the moment he was born.

A sense of life's fragility hung over Jay's childhood; already at six and seven, his father described him as "very grave" and "very reserved," though "indowed with a very good capacity." He grew up with a keen sense that his Huguenot ancestors—refugees, like the Plymouth Pilgrims, from religious tyranny—had fled to the New World in the nick of time after France began persecuting Protestants in 1685. Before he was born, smallpox had blinded an elder brother and sister, for whom, he later wrote, "this world has not been a Paradize"; of his four other siblings, one was retarded and another emotionally disturbed. Shortly after John's birth on Manhattan's Pearl Street in 1745, his father moved his brood to a farm bordering Long Island Sound in Rye, an easier setting for his two blind children. Though Jay's father had grown rich as a merchant, married a Van Cortlandt heiress, and counted most of the colony's Dutch and Huguenot establishment as his relatives, and though he and his wife were loving parents, Jay's childhood after he went to boarding school at age eight in the French-speaking Huguenot town of Nouvelle Rochelle had its share of privations. His eccentric schoolmaster treated his pupils "with little food and much scolding," Jay's son and biographer William reports. The boy struggled to keep the snow off his bed by blocking up his broken window with scraps of wood.

After entering six-year-old King's College (later Columbia) at 14 (the normal age) and spending four happy years among his 20-odd fellow collegians, Jay—six feet tall, stick-thin, round-shouldered, fine-boned, with a sensitive mouth and thoughtful, melancholy eyes—began his law studies as a clerk for kindly Benjamin Kissam, who perceived at once the young man's talent. Your "Whirl of Imagination," he wrote his clerk, "bespeaks the Grandeur . . . of the Intellectual Source from whence the Current flows." Fellow clerk Lindley Murray, whose school grammars and readers later sold in the millions, remembered Jay as "remarkable for strong reasoning powers, comprehensive views, indefatigable application, and uncommon firmness of mind."

But Jay's placid interval was short-lived. In the first year of his four-year apprenticeship, Parliament passed the Stamp

First chief justice and *Federalist Papers* coauthor John Jay's greatest legacy was setting the future course of American foreign policy.

GILBERT STUART/THE GRANGER COLLECTION

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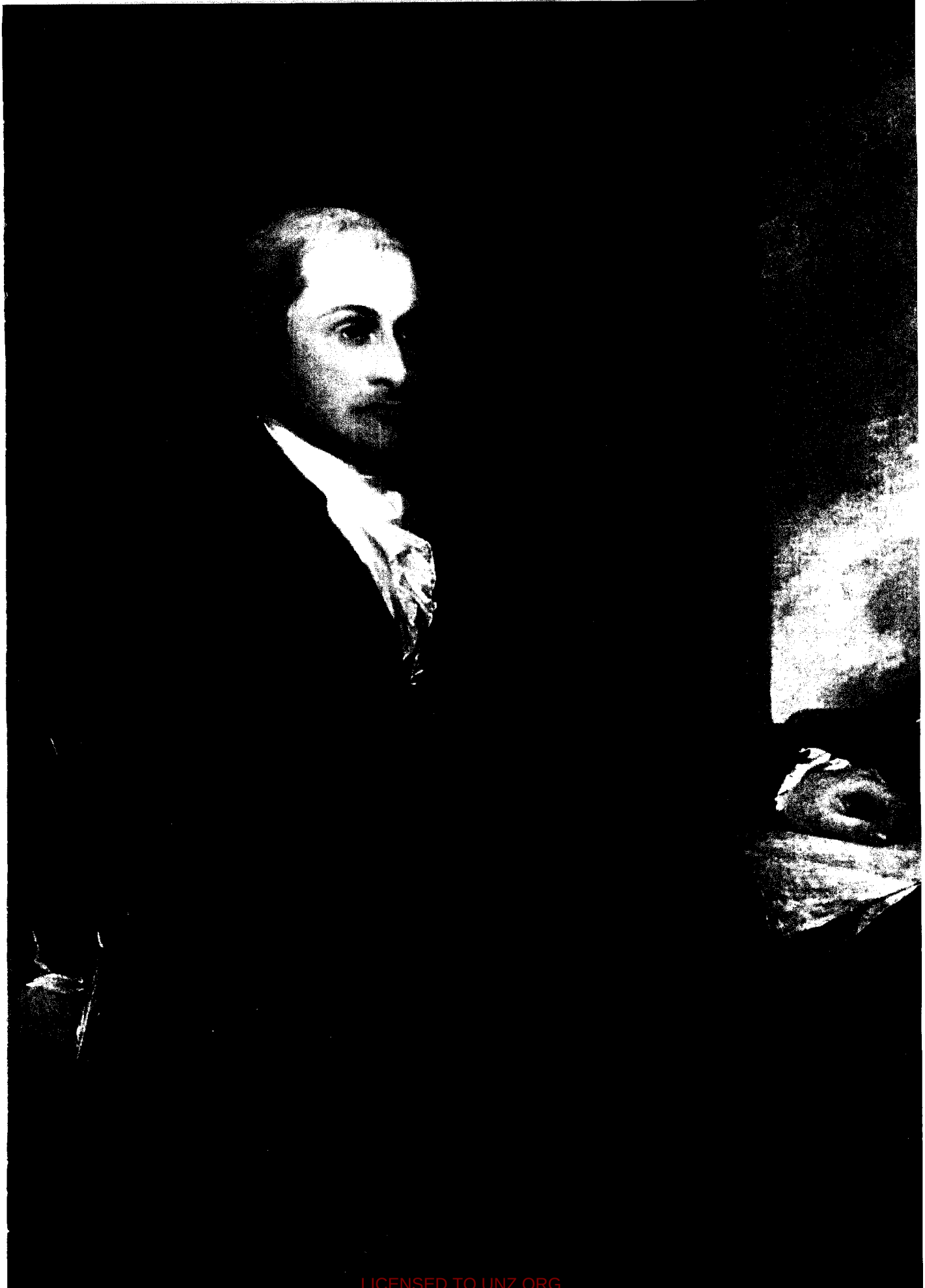

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Act. Six months later, the American Revolution had its prologue a few blocks from Kissam's John Street office at New York's old City Hall on Wall Street, where Federal Hall now stands. There the Stamp Act Congress convened in October 1765, only the second time that representatives of the American colonies had ever met together and the first time that they themselves, rather than royal authorities, had convened such a conclave—"a Measure which we Conceive of dangerous Tendency in itself," the shocked Lords of Trade spluttered in London. More important, it was the first time that the colonies unitedly drafted a Declaration of Rights, in which they claimed "the Freedom of a People, and the Undoubted Right of Englishmen, that no Taxes be imposed on them, but with their own Consent." Such big doings down the street—especially since one of New York's five delegates to the Congress was a cousin of Jay's and another was Judge Robert R. Livingston, father of Jay's best friend—made so strong an impression on the 19-year-old that 11 years later, at the First Continental Congress, he effortlessly recalled in debate the rules that the Stamp Act Congress had followed.

Historians speak of the 1765 Congress, with its fulsome pledges of loyalty to the king, as conservative. It was a funny kind of conservatism, though; for when Judge Livingston, probable author of the group's "Address to the King," wrote New York's London agent that no one should view the meeting as factious, since it aimed to divert Parliament from a course that sooner or later "will naturally render the colonies independent," he was veiling a threat under an assurance. The *New-York Gazette* had already made that threat explicit four months earlier, writing that with Britain and her colonies at such cross-purposes, "the Connection between them ought to cease—and sooner or later it must inevitably cease."

Unambiguously unconservative was the response of a New York mob a week after the Congress broke up. At dusk on November 1, 1765, the day the Stamp Act was to take effect, "A Wonderfull Large Mob" of sailors, youths, farmers, and blacks, along with "many people of substance," began to form, armed with clubs and torches, and threatening to "bury" Royal Artillery Major Thomas James, who supposedly "had threatened to cram the stamps down their throats with the point of my sword." Outside Fort George, where the first shipment of stamps lay under Lieutenant Governor Colden's protection, the crowd hanged effigies of Colden and ex–prime minister Bute, before burning them in a bonfire, along with the outraged Colden's cherished carriage of state. Then the rioters surged to Major James's newly furnished house and despoiled it, frenziedly smashing fine furniture, mirrors, and paintings, slitting and shredding the mattresses and silk curtains, stealing the silver, trampling the garden, guzzling the wine, and smearing butter over what remained. At four in the morning, they straggled off. Jay's father witnessed this "most surprising ferment on account of the stamp papers, and as violent attempts were intended to get them out of the Fort, I thought it most prudent for us to withdraw immediately to our more peaceable habitation in the country." Rumors of mobs coming to "plunder the Town" swirled for the next week, and British commander in chief Thomas Gage warned Colden that if such a mob materialized and his men opened fire on it, "the consequence would . . . be an Insurrection" and "the Commencement of a Civil War."

In this turbulent atmosphere—and rioting went on sporadically in the city of 18,000 for the next decade—John Jay came of age and worked out his view of the world and of himself. A week after the Stamp Act passed (but before the news reached America), he was still an adolescent, writing one of his few letters of this period, a passionate, unguarded avowal of friendship to Judge Livingston's son, with an eager pleasure in young Robert's having "opened wide those Doors of Friendship, into which I had long desired to enter" and looking forward to "our voyage to Eternity." But after New York's November riots, the city's 30 or so lawyers suspended business because they refused to use the

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hated stamps required for legal documents (with unerring stupidity young George III and his apparatchik ministers had passed a radicalizing measure that fell hardest on America's opinion-forming lawyers and journalists). Hence Jay had ample time to meditate upon the ferment seething around him. By the last year of his legal apprenticeship, 1768, everyone at the lawyer-dominated Debating Society Jay belonged to knew what one of the debaters meant (in a match Jay's side won) when he spoke feelingly of "the Blessings of order and Tranquility and of the pernicious Consequences of Faction and Riot."

Looking back on this period a decade later in a letter to Livingston—who had been his law partner from 1768 to 1770 and would go on to become chancellor of New York, secretary for foreign affairs, Jay's unsuccessful opponent in the gubernatorial election of 1798, negotiator of the Louisiana Purchase, and the backer of Robert Fulton's steamboat enterprise—Jay mused on the vast changes he saw in himself. Back in '65, he wrote, he was "ambitious," "pertinacious," filled with "Bashfulness and Pride," as "sensible of Indignities" as Livingston but more "prone to sudden Resentment." How right he was about the stiff-necked pride, a mixture of stubborn principle and hair-trigger defensiveness against an ever-present sense of threat. A few weeks before his college graduation, he got briefly suspended for ostentatiously refusing to snitch on a classmate and brandishing the college bylaws to show that no rule required him to do so. As a novice lawyer, he had all but challenged the colonial attorney general to a duel for conduct that "represents me in an insignificant Point of View," and he even expressed willingness to duel with an aggrieved young man he'd turned down for membership in the fashionable dancing assembly he cochaired. But though in those days, he might have been formed more "for a college or a Village" than for "a citizen of the World," he told Livingston, he had since developed the requisite worldly flexibility, vivacity, and control over his pride, his facial expression, and his passions.

Though he didn't mention it, he'd gained one other quality he'd confessed to having lacked in 1765—an understanding of women. For in 1774, he married as splendid a wife as could be found: Robert's second cousin, Sarah Van Brugh Livingston, who shines out from her vivid letters like all of Jane Austen's winsome heroines rolled into one, with sense and sensibility to spare. Then 17 while her husband was 28, Sally was one of the so-called three graces, the witty, spunky, and beautiful daughters of lawyer William Livingston, long one of New York City's foremost politicians and then governor of New Jersey. While representing his family's princely Livingston Manor in the New York Legislature, he had founded the influential (and wonderfully named) *Independent Reflector*, in which he had argued as early as 1752 that governments rest on the "free consent of Mankind" and that "those who have cloathed [a king] with Authority have a Right to strip him of it, whenever he abuses it." Of Sally, the urbane Gouverneur Morris bantered the year before her marriage, "Never was a Little Creature so admired (I speak seriously). . . . As to her Heart when in the Midst of her Admirers it singeth with Joy. . . . The rosy Fingers of Pleasure paint her Cheeks with double Crimson. . . . And so it will continue if the Whim does not take her to get in Love." But the whim did take her, and as her sister Kitty wrote a few years later, "Mr. & Mrs. Jay can be unhappy no where. They love each other too well."

hen the couple returned from their wedding trip in late May, though, Jay found the world turned upside down. While he was gone, news had reached New York of the first of Parliament's Intolerable Acts, closing Boston's port in retaliation for December's Boston Tea Party—of which New Yorkers had held their own version the week before the Jays' wedding, dumping overboard the first cargo of East India tea to reach town. Jay, by now a leading lawyer earning £1,000 a year, found himself already named to a committee to correspond with the other colonies and decide what to do, a committee whose

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numbers, form, and name shifted over the next two years but that ended up running both the city and the entire province. The committee joined the call for a continental congress, to which Jay won election in July 1774.

Jay's townsmen pegged this youngest of all the congressional delegates as a conservative; and certainly, when an overwrought Patrick Henry exclaimed at the Congress's start that "Government is at an End. All distinctions are thrown out . . . . We are in a State of Nature," Jay mildly retorted, "I cant yet think all Government is at an End. The Measure of Arbitrary power is not full, and I think it must run over, before We undertake to frame a new Constitution." Let's not get carried away and think "We came to frame an American constitution, instead of indeavouring to correct the faults in an old one." A reasonable remonstrance to Britain, Jay hoped, coupled with a determined trade boycott, ought to bring the ministry to its senses. Jay's conservatism consisted only in this: that he would omit no effort—consistent with the rights of man and of Englishmen—to avoid an irreparable breach.

Assigned to write Congress's "Address to the People of Great Britain," Jay explained what those rights were. There's no reason "why English subjects, who live three thousand miles from the royal palace, should enjoy less liberty than those who are three hundred miles distant from it," he declared. "No power on earth has a right to take our property from us without our consent" or our "inestimable right of trial by jury," as Britain has done in setting up admiralty courts, in which "a single man, a creature of the crown," sits in judgment in tax-evasion cases on defendants presumed guilty until they prove their innocence. If Britons allow such injustices to befall their American cousins, they should keep two things in mind, Jay cautioned. First, "we will never submit to be hewers of wood or drawers of water for any ministry or nation in the world." Second, "take care that you do not fall into the pit that is preparing for us." Still, even after the king ignored Congress's first petition, even after Concord and Lexington, Jay pressed for one last-ditch try in the Second Continental Congress, John Dickinson's fruitless July 1775 "Olive Branch Petition," some of whose language Jay supplied. But he remained realistic: in expressing his hope for an enduring American union with Great Britain, he conceded, "God knows how the Contest will end."

More realistically still, while Congress was extending its olive branch with one hand, it was gathering up arrows with the other. In May 1775, in response to rumors that Britain was readying troops to enforce its will and might land them in New York, Congress advised New Yorkers "to persevere the more vigorously in preparing for their defence, as it is very uncertain whether the . . . conciliatory Measures will be successful." In June, Congress began to raise an army and named George Washington its chief, two days before the Battle of Bunker Hill showed the British that they faced an unexpectedly hard war. Passing through New York when news of the fierce fighting arrived, the new commander, realizing that the politically divided colony's royal governor, William Tryon, would probably start arming the loyalists, issued his first official order—to arrest Tryon if he did.

Both the rumors of invasion and Washington's instincts about the loyalists proved correct, and John Jay rushed to counter each threat. To prepare for the invasion, he had to deal with an unintended consequence of the trade boycott he had championed and helped enforce. Not only did the ban fail to stem England's harshness, as planned, but it also kept the colonies from stockpiling war supplies they turned out to need desperately. By the time even reluctant rebels like Jay understood that "the Sword must decide the Controversy," New Yorkers were reduced to stripping the lead out from between their windowpanes to cast into bullets, and melting down their brass door knockers and bronze church bells for cannon. Pathetically, until better weapons turned up, Jay sent from Philadelphia a well-designed spear for New York craftsmen to copy.

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FREDERIC LEWIS/GETTY IMAGES

In 1774, Jay, 28, married New Jersey governor William Livingston's 17-year-old daughter, Sarah, who resembled all of Jane Austen's heroines rolled into one.

After the new British commander in chief, Sir William Howe, moved the strategic center of the war to New York, aiming to use its great harbor as the hub of naval operations and to take control of the Hudson River, cutting New England off from the rest of America and then conquering the colonies one by one, Jay went on a wild ride through Connecticut, rounding up cannon from the Salisbury foundry to defend the river and heavy chain to block the Royal Navy from sailing up it. But supplies—everything from bullets to blankets to boots—remained scarce for the entire war. "There have been instances, and I speak from the most undoubted authority," wrote Jay in 1780, "of considerable detachments marching barefooted over rugged tracts of ice and snow, and marking the route they took by the blood that issued from their feet."

As for the loyalists, New York was unique among the colonies in the strength of its residents' attachment to the mother country; at least a third wholeheartedly supported the king and another third trimmed from side to side. After the brothers Howe, general and admiral, sailed into New York Harbor on June 29, 1776, turning it into "a wood of pine trees" from the Lower Bay to the Tappan Zee with the masts of 82 warships—once the British occupied the city in September and kept it as a stronghold for the next seven years—the whole colony became a dragon-ridden theater of threat, fear, and violence. If John Jay had seen one kind of ferocious anarchy in the urban riots of 1765, when he watched men in a frenzy of murderous destructiveness, he lived through a different kind of anarchy, no less fearsome and instructive about human nature and its brutish capacity for evil, from 1776 to '78.

itting on the cool veranda of his Westchester farmhouse before moving into his richly carpeted dining room, with its "JJ"-monogrammed Chinese-export dishes bought for his wedding, its table and 24 chairs of the finest and heaviest mahogany skillfully carved in the simplest, least pretentious late-eighteenth-century style, an elderly John Jay talked of these times one memorable evening to his son William's

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boyhood schoolmate, James Fenimore Cooper, who became the new country's first novelist. Two weeks before the British entered New York Harbor, New York's Provincial Congress, of which Jay was a member while also a Continental Congressman, had assigned him to chair a committee to deal with fifth-columnists, and he evoked for his young friend Cooper the shadowy world of "plots, conspiracies, and chimeras dire" he would occupy for some time to come. He found that Governor Tryon had indeed "been very mischievous," raising a corps of New York's British sympathizers to support the invading army when it arrived and funneling money to them through the city's mayor. More alarmingly, he found that the plotters included a soldier of George Washington's bodyguard, who, according to later rumor (never proved), plotted to kill the general. The mayor went to jail, the guardsman to the gallows.

What Cooper remembered from that long evening's talk was Jay's description of how, as head of the Committee for Detecting Conspiracies, he had run a spy ring in Westchester and the Hudson Valley once the British had occupied Manhattan, Staten Island, and all of Long Island, a tale Cooper elaborated in 1821 into the very first best-selling American novel, *The Spy*. With the Royal Navy commanding Long Island Sound and part of the Hudson, and the British army driving Washington's small, ill-equipped force across New Jersey, politically divided Westchester, Cooper recounts, "had many of the features of a civil war," with the British invaders "profiting by these internal dissentions" by arming troops of loyalist auxiliaries "to reduce the young republic to subjection." The Americans formed their own troops of irregulars in response, for "annoying the enemy," who had regular, as well as ragtag, troops in the county. Both guerrilla groups, the patriot "Skinners" and the loyalist "Cow-Boys," tended to degenerate into savage and pitiless marauders—roving "banditti of ruffians" (as Tom Paine described the State of Nature's primal hordes)—"whose sole occupation appears to have been that of relieving their fellow-citizens from any little excess of temporal prosperity they might be thought to enjoy," as happened to John Jay's father and siblings, leaving them only their clothes and their lives. They were lucky, though, as this gang of Cow-Boys murdered some of their other victims.

"Oppression and injustice" reigned, says Cooper. "The law was momentarily extinct in that particular district, and justice was administered subject to the bias of personal interests and the passions of the strongest." The locals lived in doubt and fear of predators, often too demoralized to plant crops, distrustful of their neighbors, and hiding their real sympathies—if they had them. Patrick Henry was wrong in saying that America had returned to the State of Nature in 1774, but in Westchester in the late 1770s, it was Thomas Hobbes's war of all against all—a laboratory demonstration for political philosophers and a graduate education for John Jay.

Though Jay never named him, he told Cooper the story of one of his spies, Enoch Crosby, whose 1832 deposition requesting a federal pension recounts adventures much like those of Cooper's hero, Harvey Birch. A virtuoso of deception and double-dealing, brave, cool, resourceful, and patriotic, Crosby, surviving hair-raisingly narrow escapes, helped American troops capture some 100 recruits to the British forces, some loyalist by conviction, some opportunistic freebooters.

Once elected chief justice of New York in May 1777, Jay remained knee-deep in such banditti. "I am now engaged in the most disagreeable part of my duty—trying criminals," he wrote Gouverneur Morris in the spring of 1778. "The Woods afford them Shelter and the Tories Food. Punishments must of course become certain, and Mercy dormant, a harsh System repugnant to my Feelings, but nevertheless necessary." He had before his court in Albany a gang of Cow-Boys who'd looted two Columbia County farms, killing the son of one farmer, a Continental soldier home on leave. They were "tory criminals," according to the *New-York Journal*, bandits and traitors rolled into one. "Their thefts and robberies they justified, under the pretense of the goods being lawful prizes,

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forfeited to the King." Jay sentenced ten of them to hang.

Anyone who wants to keep his hands clean and his conscience pure had better not choose politics as a vocation, Max Weber famously wrote, because politics operates through "power backed up by *violence*," and its guiding principle—the very opposite of the Christian command to "Resist not him that is evil with force"—is " 'Thou *shalt* resist evil by force,' or else you are responsible for the evil's winning out." But here one enters a moral morass, for "he who lets himself in for politics, that is, for power and force as means, contracts with diabolical powers, and for his action it is not true that good can follow only from good and evil only from evil, but that often the opposite is true." John Jay came to understand this ethical dilemma with all his being once he began detecting conspiracies. For if it's disagreeable enough to hang men for their heinous actions, what about jailing or banishing people from their homes on suspicion—on information from spies about their political beliefs, or on their refusal to take loyalty oaths? Should people be punished not just for their action but also for their inaction? For their beliefs?

As early as November 1775, Jay answered by proposing harsh measures when Congress asked him how to handle disaffection in Queens County on Long Island, which declared itself neutral in the looming conflict and voted not to send delegates to Philadelphia. It's not acceptable to be "inactive spectators," Jay declared, hoping, if the British win, "to purchase their favour and mercy at an easy rate," while, if America wins, "they may enjoy, without expense of blood or treasure, all the blessings resulting from that liberty which they, in the day of trial, had abandoned." Accordingly, he recommended that the declared neutrals "be put out of the protection of the United Colonies," confined to their county, excluded from the law courts, and disarmed by New Jersey and Connecticut troops.

Some who claimed neutrality, Jay suspected, were actively supporting the enemy by "collecting and transmitting intelligence, raising false reports, and spreading calumnies of public men and measures." Or worse, as he found when Beverley Robinson, a prosperous merchant related to his mother, came before his committee in February 1777. "Sir we have passed the Rubicon and it is now necessary every man Take his part," Jay told Robinson. "Cast off all alliegiance to the King of Great Britain and take an oath of Alliegiance to the states of America or Go over to the enemy for we have Declared our Selves Independent." This was an age, remember, when giving your word or swearing in God's name put your honor or your soul at stake. Replied Robinson, "Sir I cannot Take the Oath but should be exceeding Glad to Stay in the Country." Think it over, Jay advised. Jay wrote Robinson's wife, urging her to persuade him to take the loyalty oath. But by then, Robinson had started to raise a loyalist regiment; and by March, Jay got news that he'd guided British regulars to attack American soldiers at Peekskill, wounding two.

But some of the neutrals were neither traitors, liars, nor trimmers, and Jay faced no harder case than that of his honorable King's College friend Peter Van Schaack, who "condemned the conduct of the Home government" in London, Van Schaack's son reported, but "was yet opposed to taking up arms in opposition to it" and felt conscience-bound not to take the loyalty oath against his king. Jay directed him to appear before the Albany authorities, whose proceedings led to his ultimate banishment to London, from which he wrote Jay in 1782, as the Revolution was drawing to a close, tentatively hoping to reopen communication. Jay replied at once: "I have adhered to certain fixed Principles, . . . without regarding the Consequences of such Conduct to my Friends, my Family, or myself; all of whom, however dreadful the Thought, I have ever been ready to sacrifice, if necessary, to the public Objects in Contest. Believe me, . . . I felt very sensibly for you and for others; but as Society can regard

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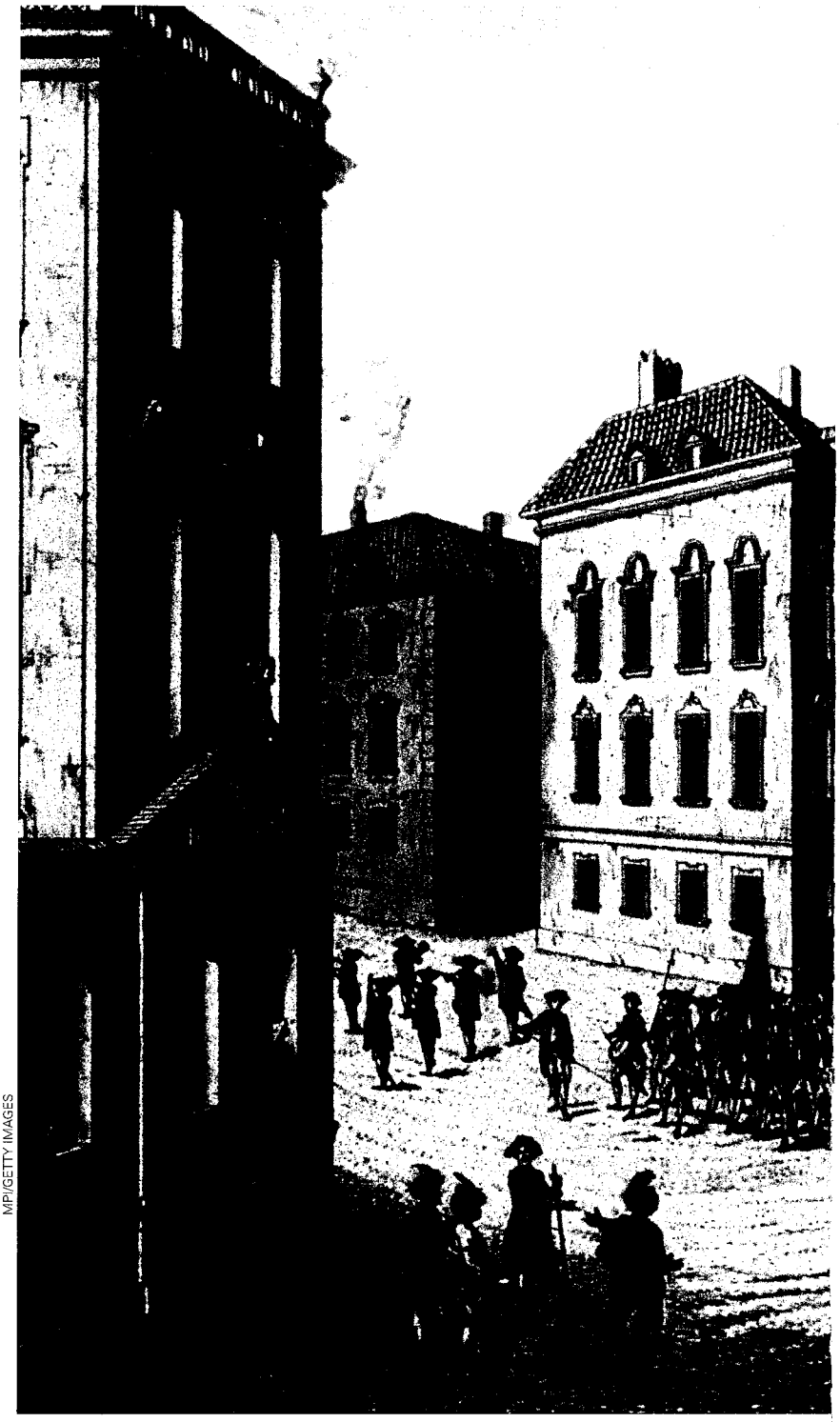
only the political Propriety of Men's Conduct, and not the moral Propriety of their Motives to it, I could only lament your unavoidably becoming classed with many whose morality was convenience. . . . No one can serve two Masters: either Britain was right, and America wrong; or America was right, and Britain wrong. . . . Hence it became our Duty to take one Side or the other." He closes by asking how his old friend and his children are doing. "While I have a Loaf, you and they may freely partake of it. Don't let this Idea hurt you. If your Circumstances are easy, I rejoice; if not, let me take off their rougher Edges."

Van Schaack wrote back with equal magnanimity: "Be assured, that were I arraigned at the bar, and you my judge, I should expect to stand or fall only by the *merits of my cause*." He had reasons for his choice, he continued. "Even in a doubtful case, I would rather be the patient sufferer, than run the risk of being the active aggressor." But now that the fighting is over, "if America is happier for the revolution, I declare solemnly that I shall rejoice that the side I was on was the unsuccessful one. . . . I have always considered you as one of the foremost enemies of this country, but since what has



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As the Revolution raged most fiercely in New York City and its environs in the summer and fall of 1776, the British general, Sir William Howe, occupied Manhattan on September 21 and held it for seven years.

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Urbanities

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happened, *has* happened, there is no man to whom I more cordially wish the glory of the achievement." As for his children, his son has been accepted at Yale. In time, Van Schaack returned to his New York law practice, and the friendship bloomed again.

Loyalty oaths, wartime un-American-activities committees: William Jay asserts that, while his father "was ever ready to adopt all proper measures for preventing the tories from injuring the American cause, he abhorred the idea of *punishing* them for their opinions." Not so. He believed America was in a fight for its existence against enemies who, as he wrote to his fellow New Yorkers, "plunder your houses; ravish your wives and daughters; strip your infant children; expose whole families naked, miserable and forlorn, to want, to hunger, to inclement skies, and wretched deaths"; and who seek to impose a slavery such as "Egypt, Babylon, Syria, or Rome" imposed upon the Jews—or as Catholics, he might have said, imposed on Huguenots. The greatest sin and dishonor would be not to fight to win, whatever it took. A life-or-death struggle has no margin for error.

Along with these indelible lessons in anarchy, Jay learned five great lessons about anarchy's antidote—government—in his education as a statesman during his presidency of the Continental Congress from December 1778 through September 1779. First, he grasped that American unity was permanent. Our enemies, he wrote in his "Circular Letter from Congress to their Constituents," argue "that the confederation of the States remains to be perfected; that the union may be dissolved." They are wrong. "These states are now as fully, legally, and absolutely confederated as it is possible for them to be." The ongoing war is making the bond ever stronger. "A sense of common permanent interest, mutual affection (having been brethren in affliction), the ties of consanguinity daily extending, constant reciprocity of good offices, . . . all conspire in forming a strong chain of connexion, which must for ever bind us together." Jay welcomed every sign of growing unity. He cheered the marriages of two fellow congressmen to ladies from states not their own: "I am pleased with these intermarriages," he wrote John Adams. "They tend to assimilate the States and to promote one of the first wishes of my Heart viz. to see the People of America become one nation in every Respect." And he objected to Massachusetts's description of itself "as being in *New England* as well as in America. Perhaps it wd. be better if these Distinctions were permitted to die away."

Second, a Federalist by instinct even before there was Federalism, he understood that union required a strong central government sovereign over the states. As early as October 1775, he wrote: "The Union depends much upon breaking down provincial Conventions." Accordingly, during his presidency, Congress for the first time—and in his handwriting—declared its supremacy over the state governments, overturning a Pennsylvania statute (and a Pennsylvania jury decision) in the allocation of the sloop *Active* as a war prize. "Congress," Jay pronounced in taking these actions, "is by these United States invested with the supreme sovereign power of war and peace."

Third, assuming the presidency when the quarrel between two top American diplomats, Silas Deane and Arthur Lee, had reached its apogee of bitterness, with murky charges of malfeasance and spying flung about in Congress, Jay learned a wariness toward his own colleagues. "There is as much intrigue in this State House as in the Vatican," he commented, "but as little secrecy as in a boarding School." His distrust only deepened when General Horatio Gates, part of a cabal of senior officers seeking to displace George Washington as commander in chief, sent him an insinuating letter critical of Washington's military strategy. Rightly judging the letter mere Machiavellian self-serving on Gates's part, like so much of the unprincipled self-interest he had seen in Congress, Jay sent Washington the relevant passage as a heads-up and received in response a letter of such nobility of character and comprehensive strategic and

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managerial brilliance as to teach him his fourth great lesson: that Washington was a world-historical leader. The two became friends and confidants; within weeks, Washington moved from signing himself "Yr. obliged & obed. Ser." to "Yr. most obed. & affect. Servt.," though it took Jay six months to get up the nerve to tell the "master-builder" (as he termed the great man) that "with sincere affection & Esteem, I am your friend & servant."

The fifth lesson proved the most useful of all to the man who set the future course of U.S. foreign policy: in the world of diplomacy, nothing is what it seems, so trust no one. He entered that murky world in November 1775, well before the colonies declared independence, when Congress sent him, Benjamin Franklin, and Thomas Jefferson to see a nameless Frenchman who'd requested a secret meeting in Philadelphia. As William Jay remembers his father often recounting, the elderly, lame man stated that the king of France, then officially at peace with George III, favored the colonists' defense of their rights and wished to help with arms and money. When the trio repeatedly asked by what authority he spoke, the man merely drew his hand across his throat and replied, "Gentlemen, I shall take care of my head." Shortly thereafter, Congress—impressed by this drama, Jay thought—appointed him to a secret committee to seek aid from abroad.

A year later, after further foreign encouragement, the committee sent Silas Deane to France, posing as a merchant, to obtain the promised arms and supplies, which France furnished through a front company to hide its role. One of Arthur Lee's accusations in the Deane-Lee catfight raging in Congress when John Jay assumed its presidency was that Deane had charged Congress for matériel that France had given as a gift. When Tom Paine, secretary to Congress's Committee for Foreign Affairs, leaked in the press the secret information that France had most certainly given such a free gift, French ambassador Conrad Gérard, to preserve the fiction that France had not aided America while still at peace with Britain, demanded that Congress refute what he claimed was a calumny against "the Dignity and the Reputation of the King my Master"—even though by then, France, convinced by the American victory at Saratoga in October 1777 that the rebels could win, had signed a formal alliance with the United States in February 1778. So John Jay, in one of his first acts as president, had to call Paine before the bar of Congress to discipline him for telling the truth. Sacrificial whistle-blower Paine resigned in outrage before Jay could fire him.

During Jay's nine months as president, Ambassador Gérard "used frequently to spend an evening with me," Jay wrote, "and sometimes sat up very late," urging on Jay the wisdom of drawing Spain into the war as an ally, and outlining the inducements America might offer. Gérard made the same argument to Congress, which in late September 1779 named Jay minister plenipotentiary to Spain, with instructions to seek such an alliance.

So sudden was the appointment that Jay could say goodbye to his family only by letter—as could his wife, who, as sharp an observer of the era and as sparkling a writer as Abigail Adams, had with utter unconventionality decided to go with him. "Considering the mortality of man, and my time of life," Sally's loving father wrote her, "it is probable I may never see you again. O may God Almighty keep you in his holy Protection, & if it should please him to take you out of this World, receive you into a better!"

That very nearly happened. Eighteen days out of Philadelphia, their 185-foot frigate sailed into a savage winter gale that tore away her masts and bowsprit and damaged her rudder. The falling spars had injured two sailors, Sally told her mother in a long and typically vivid letter; one, "poor fellow! surviv'd not many days the amputation of his arm." By no possibility could the jury-rigged ship reach Europe, her officers concluded, though Gérard, who was on board, demanded that they continue eastward. Jay, in his first diplomatic negotiation, got the

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That night, a mysterious fire destroyed a quarter of the city. George Washington, still clinging to Fort Washington in northern Manhattan, had proposed burning the city to deny its resources to the British, but Congress demurred.

ambassador to agree to head south to Martinique with "the first fair wind that offered (which was not 'till near three weeks from the above mentioned aera)," Sally wrote. She marveled at her husband's "firmness & serenity of mind." "Your whole family love Mr. Jay, but you are not acquainted with half his worth," she told her mother, "for his modesty is equal to his merit. It is the property of a Diamond (I've been told) to appear most brilliant in the dark; and surely a good man never shines to greater advantage than the gloomy hour of adversity." Now, wrote Sally, as the frigate rolled and fellow passengers played checkers at her cramped table, she is dreaming of Martinique's fruit. A few days later, she added, "A land bird! A land bird! Oh! the pleasure of being near land!"

Ashore, she set off to explore the exotic island, where it seemed "in a sportive humour [nature] had display'd a whimsical fancy" and which she described to Governor Livingston with characteristic verve and economy. She always noticed and praised landscapes cultivated and improved by labor. "It is really surprising to trace the effects of industry on the very summits of the hills which are covered with coffee, coconuts, and cane," she remarked, and went on to describe, with her lifelong delight in how things work, the island town's ingenious plumbing system. To her father-in-law, once the Jays had left Martinique

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and were "sweetly sailing before the wind" toward Europe, she wrote two observant paragraphs describing with crisp precision how a sugar mill turns cane into sugar and molasses.

Though Jay didn't know it, his mission to Spain was doomed from the start. With a colonial empire in the New World, the Spanish king, who had his own imperial ambitions in North America that competed with American claims, shuddered at the idea of colonial rebellion and would never officially support one, even to harass Britain. Making matters worse, Spain and France were conspiring behind America's back. While Congress dithered about whom to send abroad, the two Bourbon powers secretly revived their decades-old Family Compact in the Treaty of Aranjuez, which bound Spain to join the war against Britain in exchange for France's pledge not to make peace until the Spanish got Gibraltar back—a deal that not only ignored America's claims but also violated France's treaty with America by its clandestine change in the peace requirements. Also unfriendly to America was France's agreement to let Spain share the Grand Banks fishery, long an American fishing ground, if France could win it. And there was one more thing Jay didn't know: though Spain had helped America with money and supplies early in the Revolution, now that she was herself at war, she had no money to spare, despite the legends about her wealth.

Jay might have figured out the economic truth beneath the facade early on. The first leg of his trip from Cádiz, where he landed in January 1780, to Madrid, was pure pomp, with 16 or 20 oarsmen rowing "a very handsome Barge . . . ornamented by a crimson damask canopy handsomly fringed," Sally wrote in one of her letters, which provide the best account of the Jays' day-to-day life in Europe. But soon the travelers transferred to something "they've the impudence to call . . . Coaches, it's true they are made of wood and have four wheels, but there the resemblance ceases." As for the inns, "the awkwardness and filth of every thing exceed description. . . . The very first evening we found that a broom was absolutely essential," for sweeping out "several loads of dirt in which were contain'd not [less] than two or 3000 fleas, lice, buggs, &c. if we may form any Judgment by what still remained." To add insult to injury, her husband wrote, the landlord charged their party of eight for the 14 beds in their rooms, observing "that we might have used them all if we pleased." Hardly signs of a rich country.

For the two and a half years of "this honorable Exile," as he called it, Jay fruitlessly trailed after the Spanish court as it accompanied the king from palace to palace. Given his paltry salary, Jay wrote, "To keep a House at each place is not within the Limits of my Finances." Even hiring mules and a chaise to follow the court strained his budget. "So circumstanced I cannot employ Couriers to carry my Dispatches to the Sea Side or to France. My Letters by the Post are all opened"—and indeed the Spanish secretary of state once handed over a top-secret letter that Congress had sent Jay, without bothering to conceal that he'd intercepted and read

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it. Living in furnished single rooms with one servant, Jay had to leave Sally, his invaluable source of moral support, in Madrid, where, as the court had never recognized him as an ambassador, she knew almost no one. When a daughter was born in July 1780, Sally's "whole heart overflowed with Joy & gratitude." But the baby died three weeks later. "Excuse my tears," Sally wrote—"you too mamma have wept on similar occasions, maternal tenderness causes them to flow & reason, tho' it moderates distress, cannot intirely restrain our grief, nor do I think it should be wish'd."

Jay's financial problems weren't just domestic. In its desperation for funds, Congress began spending the money it hoped he could raise from Spain, drawing bills of exchange on him for £200,000 (these typical financial instruments of the time order a second person—Jay—to pay a supplier or lender a specified amount by a given date). Though at first, Spain's minister of state, the count of Floridablanca, came up with funds when pressing bills came due, and hinted further help, the flow trickled off, the count temporized, and Benjamin Franklin, America's ambassador to France, had to raise money there to pay the bills as well as Jay's salary.

After nearly two years in Spain, Jay diplomatically told Floridablanca to put up or shut up. Was an "intimate union" possible or not? The count told him to outline a treaty, and three days later, Jay came back with an offer to let Spain have the exclusive right to navigate the lower Mississippi River in exchange for an alliance, most-favored-nation commercial status, and financial aid—an offer, Jay shrewdly stipulated, that would expire if Spain didn't sign the treaty before Britain made peace. As always, Spain shied away from accepting American independence. A disgusted Jay wrote to Gouverneur Morris in code: "This government has little money, less wisdom, no credit, nor any right to it." Seven months later—and six months after Cornwallis surrendered to Washington at Yorktown and the fighting ended—Franklin wrote Jay to come to Paris and help him negotiate the peace treaty with Britain. "Spain has taken four years to consider whether to treat with us or not," Franklin wrote. "Give her forty, and let us in the mean time mind our own business."

While from the moment of the Jays' arrival in Spain, Sally wrote her usual dazzling descriptions, Jay himself, always prudent, waited until they were about to leave before he offered a portrait. No doubt, he wrote, Aranjuez "is a charming Place," with the king's parks, meadows, and woods. But "it is not America. A genius of a different Character . . . reigns over these. Soldiers with fixed bayonets present themselves at various Stations in these peaceful Retreats; and tho' none but inoffensive Citizens are near, yet Horsmen with drawn swords guarding one or other of the royal family . . . , renew and impress Ideas of Subjection. Power unlimited and Distrust misplaced, thus exacting Homage & imposing awe, occasion uneasy Reflections. . . . Were I a Spaniard, these decorated Seats would appear to me like the temporary Enchantments of some despotic magician, who by re-extending his wand, could at pleasure command them to vanish, and be succeeded by Presidios, Galleys and Prisons." All human relations in Spain catch a tinge of the same spirit. "This is a kind of Prudence which naturally grows out of a jealous and absolute Government, under which the People have, for many Generations been habituated to that kind of Dependence, which constrains every Class to watch and respect the opinions and Inclinations of their superiors in Power." No European splendor can equal "the free air, the free conversation, the equal Liberty, . . . which God & Nature and Laws of our making, have given and secured to our happier Country."

In May 1782, Jay, Sally, and their new baby, three-month-old Maria, left for Paris, with Sally brightening up as they traveled through what struck her as "one of the favorite spots of Nature," which "the gaiety & industry of the inhabitants" had adorned everywhere with gardens and bowers in "very pretty taste."

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Admired for her beauty and modishness—a Paris theater audience once mistook the dainty blonde for Marie Antoinette—and with friends like Franklin and the Marquise de Lafayette, Sally flourished. So did Jay, who met his toughest challenge and won his greatest triumph.

Right after he arrived on June 23, he emerged as the chief American peace negotiator, and the task first looked to him something like a game of pool, with four balls on the table—Britain, France, Spain, and the U.S. Congress—balls that moved of their own accord, however, and didn't obey the laws of physics when hit. But within weeks, he grasped that he was playing a different game entirely, a game of poker for global stakes against the sharpest diplomatic card sharper of them all, French foreign minister Charles Gravier, count of Vergennes. At 63, the worldly aristocrat, with the star, sash, and haughty bearing of the *ancien régime*, could draw on over 40 years' experience in foreign affairs, as ambassador to Trier, Sweden, and the Ottoman Empire, where he had himself painted lounging on silk cushions in a sultanic turban and fur-trimmed caftan. By the time of the Franco-American alliance, he had conceived a grand global strategy, whose finishing touches he planned to complete in the negotiations at Paris.

With the privilege of historical hindsight, let's peek over the count's shoulder and see what cards he was holding. He had predicted when the French and Indian War ended in 1763 with Britain having driven France out of North America that "England will ere long repent of having removed the only check that could keep her colonies in awe. They stand no longer in need of her protection," he wrote, and they will respond "by striking off all dependence." Smarting at France's defeat, he saw that he could punish and permanently weaken France's most formidable rival by patiently helping the colonists in their inevitable rebellion, amputating a rich and important limb of the British empire.

To produce a balance of power advantageous to France, though, he also had to control the shape that a newly independent America would take. She mustn't be strong or rich enough to be a global power in her own right, and she certainly must not end up allied with Britain. A weak America, squabbling with and distracting England, hemmed in narrow geographical boundaries by foreign powers, and dependent on French protection would be the best of all possible worlds for Versailles, and it was his task as foreign minister to bring that world into being. Here Spain, his secret ally, could serve as a useful and willing tool, blocking American control of the Mississippi River, barring her westward expansion and hampering her economic growth by cutting off a key trade route.

Vergennes had begun laying the groundwork for this strategy in 1779, when he sent Ambassador Gérard for his late-night talks urging president of Congress Jay to entice Spain into the war by offering to give up American claims to navigate the Mississippi—a deal that Jay favored until Spain joined the war for goals separate from American independence. Without missing a beat, at the very moment that Jay landed in Spain, Gérard's successor, Count Luzerne, pressured Congress to change his instructions and order him to give up America's claim on the Mississippi, which Jay did, but with that escape clause he added on his own initiative. Finally, Vergennes dealt himself an ace in the hole when he persuaded Congress in 1781 to instruct its peace commissioner to hide nothing in his negotiations from "the ministers of our generous ally the King of France; to undertake nothing in the negotiations for peace or truce without their knowledge or concurrence; . . . and ultimately govern yourself by their advice and concurrence."

"Our way of thinking," Vergennes wrote Luzerne as the peace negotiations began, "must be an impenetrable secret from the Americans." Certainly, Jay's co-commissioner Franklin, now 76 and a Parisian celebrity who had found the French nothing but generous allies, understandably credited their goodwill. But Jay smelled a rat. As Spain, which he despised, would be a party to the treaty, he called

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first on her ambassador to France, the immensely rich Count d'Aranda, who, like Jefferson, combed the vineyards to stock his cellars with treasures, who employed a full-time silversmith to shine his magnificent plate, and who became Jay's friend. Okay, said the count, unrolling a map of North America, where do you think your western border is? The Mississippi, Jay replied; where do *you* think it is? Go ahead and draw it on the map. The count replied that there was no point quarreling about a few acres, and that he would send Jay the map with his proposed border in a day or two. When it arrived around August 6, 1782, Jay found that Aranda had lopped off all the land north of the Ohio, plus what became Alabama and Mississippi, along with part of the future Kentucky and Tennessee.

Flabbergasted, Jay and Franklin rushed to tell Vergennes of Aranda's "utterly inadmissable" land grab, Jay recounts in his official report. Instead of sympathetic reassurance, they met with unexpected reserve, with Vergennes' secretary, Joseph-Matthias Gérard de Rayneval, hinting that "we claimed more than we had a right to." A few weeks later, Rayneval sent Jay a pettifogging memo, backing up the Spanish by saying that, as England never owned the territory just east of the Mississippi and south of the Ohio, America could have no claim to it, either—and with no territory adjoining much of the river, America also had no navigation rights to it. As for the territory north of the Ohio, America would have to sort out with Britain whether that should be part of Canada. When Jay protested that, when he had negotiated with Count Floridablanca in Madrid, the Spanish had accepted that America owned much of the east bank of the Mississippi, the secretary casually replied that Floridablanca hadn't then understood the matter.

"Hence it became evident," Jay concluded, "from whom [the Spanish] had borrowed their present ideas." And it became evident to him as well that, when the final negotiations took place, France, for all its protestations of goodwill, "would oppose our extension to the Mississippi" and "our Claim to the free navigation of that River," and also would back Spain's right to divvy up the lands east of the Mississippi with Britain.

Jay found France similarly a hindrance in his negotiations with the British. When Lord Shelburne became prime minister in July 1782 and fired the pro-American foreign secretary Charles James Fox, he sent a gifted young friend, Benjamin Vaughan, as an unofficial envoy to assuage American anxiety. Vaughan showed Jay and Franklin a document stating that George III, "to give a striking proof of his royal magnanimity and disinterested wish for the restoration of peace," had commanded the new foreign secretary to acknowledge America's independence unconditionally, in advance of a general treaty. Perfect, said Jay; but when he exchanged credentials with the official British negotiator, Richard Oswald, a 77-year-old merchant who'd lived in America for six years, he found with disappointment and "disapprobation" that Oswald's commission authorized him to treat with representatives of the American "colonies." If the king really meant what Vaughan's documents stated, why didn't he commission Oswald to negotiate with the independent United States of America? Vergennes told Jay he was being silly, that he "was expecting the effect before the cause," and Franklin agreed that Oswald's commission "would do."

From mid-August, while he was still trying to negotiate with Aranda, to mid-September, Jay patiently explained to Oswald what Vergennes was up to. The French, as Jay summed it up in his official report, "are interested in separating us from Great Britain" and planting "Seeds of Jealousy, Discontent, and Discord" that will prevent "Cordiality and mutual Confidence" between the two English-speaking nations. Vergennes wants a treaty that will "render Britain formidable in our Neighbourhood" and will "leave us as few resources of wealth and power as possible," so that we must "perpetually keep our Eyes fixed on France for Security."

COURTESY OF NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION

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In the dining room of his Westchester farmhouse, Jay told James Fenimore Cooper tales of his career as a spymaster during the Revolution, on which Cooper based America's first best-selling novel, *The Spy*.

The longer the French keep the war going, the more opportunity they will have to accomplish their goals, while a forthright British acknowledgment of American independence will end the war promptly and stymie them. Vergennes reinforced Jay's argument about French deviousness by having a top-secret document purloined from Oswald's locked writing desk. Don't worry, the now-experienced Jay told Oswald; it will be back in place when Vergennes has finished reading it—as it was.

Jay's larger argument was that Britain would gain by treating America as magnanimously as George III had promised. Treaties are just words, he told Oswald, and he "would not give a farthing for any Parchment security whatever. They had never signified any thing since the World began, when any Prince or State of either Side, found it convenient to break through them." What Jay proposed was "that the Peace should be lasting," framed so that "it should not be the *Interest* of either party to break it." At first, the worry-prone Oswald blanched at Jay's expression, a "lasting peace." Did it have some dark connotation? Did Jay have some deep-laid scheme to make the United States the arbiter of the European balance of power? Franklin set his mind at ease with an anecdote from Roman history: a peace whose terms and conditions are fair, he patiently explained, will be lasting. A relieved Oswald said that in that case, he thought he had the authority to recognize America's independence and would just check with Lord Shelburne to make sure.

nd now a race to London took place between envoys from Jay and Vergennes. On September 7, 1782, Vergennes dispatched Rayneval across the Channel, which Jay learned on the tenth—the same day he got an intercepted letter to Vergennes from France's American envoy, boasting that Congress would leave "the King, Master of the Terms of the Treaty of Peace" and plotting to split the Newfoundland fishery between France and Britain. Rayneval's mission, Jay guessed, must be to tell Shelburne that France endorsed neither America's demand for quick recognition

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of independence nor its claim to navigate the Mississippi, and to see if England would divide the fishery with France and the land east of the Mississippi with Spain. Jay probably guessed right. When Shelburne told Rayneval that he'd decided to grant America immediate independence, the Frenchman's whole tone changed: "the point of independence once settled," the prime minister wrote George III, Rayneval "appears rather Jealous than partial to America upon other points, as well as that of the Fishery."

To counter Vergennes' move, Jay asked young Vaughan to rush to London that day and lay out a rosy vision for postwar Anglo-American relations. Since America had plainly won the war and "as every Idea of Conquest had become absurd, nothing remained for Britain to do, but to make friends of those whom they could not Subdue, . . . by leaving us nothing to complain of," Jay asked Vaughan to tell Shelburne. After all, Britain had much more to gain by a treaty with America than "a mere suspension of hostilities." It could gain "Cordiality, Confidence and Commerce"—indeed, "extensive and lucrative Commerce," whose profits surely are "the true Objects of a commercial European Nation." If America ends up with the lands east of the Mississippi and the navigation of the river, its population will explode westward, and the two English-speaking nations could share an inland waterway carrying "from the Gulph of St. Lawrence to that of Mexico . . . this immense and growing Trade" that on the European side "would be in a manner, monopolized by Great Britain." If, by contrast, Britain excludes America from the Mississippi and the fishery, and seizes the land north of the Ohio, she'll end up with "vast tracts of wilderness" that she won't be able to settle or supply, and she will "sow the Seeds of future War in the very treaty of Peace." With such advantages in prospect, the British would do well to win America's confidence—and America holds the acknowledgment of her independence "as the touch stone of British Sincerity." Without it, as Jay had told Vaughan a couple of weeks earlier, "he would rather the war should go on to his grandsons."

Shelburne agreed, and on September 27 Oswald's new commission arrived, authorizing him to treat with the United States of America. During the first week of October, Oswald and Jay hammered out a preliminary treaty, giving Jay most of what he wanted—a much bigger country than otherwise would have emerged, with everything it needed to become powerful, rich, and independent. When a scandalized Vergennes, whom Jay had kept out of the loop during these negotiations, saw the draft, he was shocked by the extent of territory America had won and by the defeat of his plans for a dependent client state in the New World. Aranda, tapping Jay on the shoulder, murmured, "Eh bien, mon ami, vous avez très bien fait"—well played, my friend.

Also scandalized was American secretary for foreign affairs Robert Livingston, Jay's old law partner. Along with his many pro-French colleagues in Congress, he condemned Jay's "separate and secret manner" toward Vergennes, which flagrantly disobeyed Congress's instructions to consult and defer to the count. Jay stoutly countered his former friend's "doubts respecting the propriety of our conduct." As Vergennes opposed us on all our key points, Jay argued, he "ceased to be entitled to . . . confidence"; as he wanted a very different treaty from what "America would have preferred," it would have been "imprudent" to let him shape it. You say we didn't follow our instruction? "The object of that instruction was the supposed interest of America, and not of France." They are not the same. "So far and in such matters as this Court may think it their Interest to support us, they certainly will, but no farther," Jay wrote from Paris. Moreover, we had to seize the moment. Because Shelburne needed to make peace quickly, before a war-weary Britain pushed him out of office, he and Oswald "became less tenacious on certain points, than they would otherwise have been," and we got a great treaty by acting fast and pressing hard—and not because

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Britain has "either Wisdom, Virtue or Magnanimity enough to adopt a perfect and liberal System of Conciliation. If they again thought they could conquer us they would again attempt it."

Nevertheless, between the two great European powers, Jay had already made his choice and committed his country, though it was the opposite of Congress's choice. America had fought a war with a French ally against a British enemy, but in the peace negotiations and for the rest of his public career, Jay, often on his own initiative and against much resistance from his colleagues and countrymen, led the way in building the foundation of future U.S. foreign policy, the special relationship between the two English-speaking peoples. And why? "Not being of British Descent," Jay explained years later, "I cannot be influenced by . . . that Partiality . . . , which might otherwise be supposed not to be unnatural." But in Europe, he came to loathe arbitrary governments, which "debase and corrupt their Subjects," even subjects as talented and accomplished as the French (as his Huguenot ancestors had found, he well knew). Very different is Britain's political culture and therefore its national character. "It certainly is chiefly owing to Institutions Laws and Principles of Policy & Government originally derived to us as British colonists, that with the favor of Heaven the People of this Country are what they are." Hence his "sentiments of esteem" for the British nation.

On September 3, 1783, Jay and Franklin signed the final Treaty of Paris, along with their co-commissioner John Adams, who joined the tail end of the negotiations. Oswald's successor, David Hartley, signed for Britain. "The peace, which exceeds in the goodness of its terms the expectations of the most sanguine, does the highest honour to those who made it," Alexander Hamilton wrote Jay, who at this moment in American history had been *the* indispensable man. "The New-England people talk of making you an annual *fish-offering*, as an acknowledgment of your exertions for the participation of the fisheries." Jefferson echoed the sentiment: "The terms obtained for us," he wrote, "are indeed great."

Later that month, the Montgolfier brothers made the first manned balloon flight over Paris, which Sally Jay watched from her terrace, and which fired the whole world's imagination with ideas, Jay wrote, that "travellers may hereafter litterally pass from Country to Country on the wings of the wind." "Don't you begin to think of taking yr. passage next spring in a Ballon?" Sally asked him. But instead, they set out for New York on an ordinary sailing ship on June 1, 1784, and arrived home—without incident this time—on July 24.

It is one thing to sign a treaty but quite another to get it carried out, as Jay discovered on his return, when he learned he'd been named secretary for foreign affairs. He knew before he left for Europe that America needed a strong central government sovereign over the states; now, finding himself the key official of a government too weak to carry out promises he himself had made, he felt that need urgently. According to the treaty, America would void state laws that barred British creditors from dunning U.S. citizens for prewar debts, and British troops would leave U.S. territory. When America's London envoy, John Adams, remonstrated with the British for keeping their frontier forts, they replied that they intended to honor the treaty—as soon as America kept its end of the deal. Secretary Jay, echoing his opinion in the 1775 sloop *Active* case, pronounced that the Articles of Confederation gave Congress alone the right to make a treaty, which "immediately becomes binding on the whole nation," so Congress told the states to repeal the offending laws—but had no power to make them do so. And they temporized, protecting powerful citizens who owed big sums: and the British soldiers stayed put. "The federal government," Jay fumed, "is rather paternal and persuasive than coercive and efficient."

Less than a year into his job, Jay started pushing to make the United States "one Great Nation, . . . divided into different States merely for more convenient Government, . . .

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just as our several States are divided into Counties and Townships for the like purposes." Moreover, since the faction-ridden Congress, which held both legislative and executive power, couldn't make timely decisions, Jay also sought to "divide the Sovereignty into its proper Departments. Let Congress legislate—let others execute—let others judge"—for efficiency rather than for checks and balances. He was quick to support a convention to correct the "Errors in our national Government," but when the Constitutional Convention met, his duties as secretary kept him from attending. Once the conclave produced its great document, though, he eagerly joined James Madison and Hamilton in writing *The Federalist* to defend it—until a rock thrown in yet another New York riot sidelined him for a long convalescence.

Of the five *Federalist* papers that he wrote, four are what you'd expect from a minister without the power to execute his decisions and a diplomat who'd learned from experience that "to be constantly prepared for War is the only Way to have Peace." *Federalist* Numbers 2 through 5 argue that Americans, forged by the Revolution into a "band of bretheren," need to form a single, powerful union that can make good on its treaties, ensure "security . . . against *hostilities* from abroad," and avoid the constant skirmishing inevitable if the states, as some anti-Federalists suggested, broke into several separate confederations.

But his fifth *Federalist* paper, Number 64—which supports having the president elected not directly but by "select assemblies . . . of the most enlightened and respectable citizens" and the senators appointed by the state legislatures, to ensure leaders of "abilities and virtue"—raises a large issue that Jay's letters and speeches fully developed and that remains as pertinent today as ever. If, as his whole experience had taught him, "the mass of men are neither wise nor good," how can government by the people yield leaders of distinction?

"The Rulers in democratic Republics are generally men of more Talents than morals," history shows; "there can be but little connection between Cunning and virtue, and therefore . . . our affairs will commonly be managed by political Intrigues," and "a succession of Demagogues must be expected." These "political Mountebankes" will be "less sollicitous about the Health of the credulous Crowd than abt. making the most of their nostrums and Prescriptions." Since their fortunes depend on public opinion, they will mold and manipulate it. "The Knaves and Fools of this World are forever in Alliance," Jay wrote Jefferson, and because of this "coalition between the men of too much art and the men of too little, so they who either officially or from Choice fabricate opinions for other Peoples use will always find many to receive and be influenced by them." Worse, "actuated by Envy ambition or avarice," these politicians and pundits "will always be hostile to merit, because merit will always stand in their way."

Democracy is a magnificent idea: "Without a portion of it, there can be no free governmt.," Jay was certain. But "*pure* Democracy, like *pure* Rum, easily produces Intoxication, and with it a thousand mad Pranks and Fooleries," he thought. Hence he favored the existing property qualifications for electors and officials: "They who own the Country," he thought, "are the most fit Persons to participate in the governmt. of it." Such men, he expected, would share his horror of redistributive taxation, which his favorite author, Cicero, identified as the demagogue's vote-getting "kind of liberality which involves robbing one man to give to another," rather than taxing everyone proportionally to his wealth or income for such common purposes as defense. Propertied men, too, he thought, would include "the most enlightened and respectable citizens" he cited in *Federalist* 64—those best capable of choosing leaders with "abilities and virtue."

Such leaders, despite all human nature's failings, were there for the finding. Men like George Washington, "who ascended to the Temple of Honor through the Temple of Virtue," had absorbed the "maxims and precepts of sound Policy, which enable

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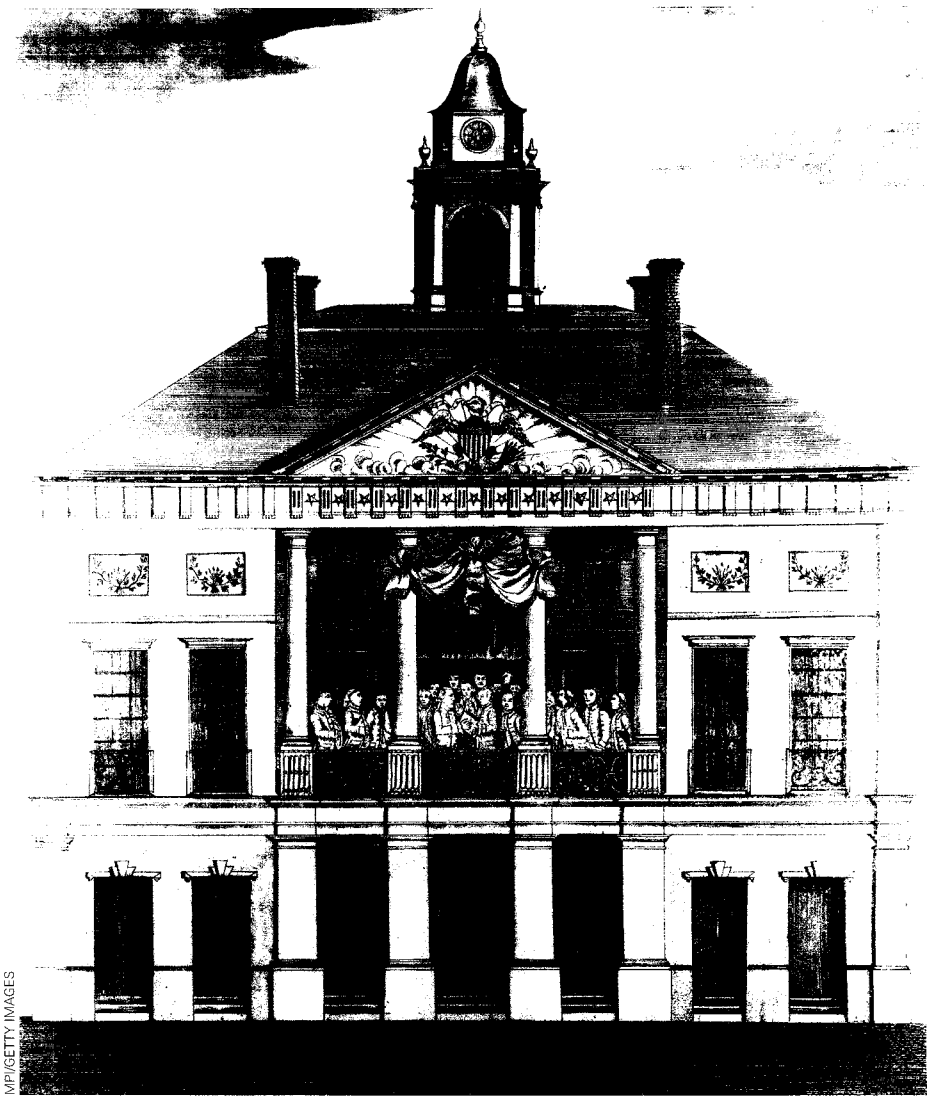
Legislators and Rulers to manage and govern public affairs wisely and justly," he noted. "Explained and inculcated by the ablest writers ancient and modern," these precepts "relate to the nature and duties of man—to his propensities and passions—his virtues, and vices—his habits and prejudices—his real, and relative wants and enjoyments—his capacities for social and national happiness—and the means by which . . . it is . . . to be procured, preserved, and increased."

From studying the accumulated thought and experience of the wisest of mankind about human nature and the social order, coupled with reflection on his own experience, a leader can learn wisdom; but to have virtue, Jay believed, he also needs religion. The most devout of the Founders, he once told an atheist "that if there was no God, there could be no moral obligations, and I did not see how Society could subsist without them." When his acquaintance replied that "Society would find a Substitute for them in enlightened self Interest," Jay impatiently changed the subject.

Jay's own life movingly exemplified the connection between religion and spotless virtue. "I have done nothing but constantly serve my Country for these six Years past and that most faithfully," he wrote in 1780. "But I confess that I did it . . . because I thought & think it my Duty, without doing which I know I cannot please my Maker & go to Heaven. Provided he is satisfied with my Conduct, the mistaken opinions of others cannot deprive me of Happiness." In this spirit, he calmly met George Clinton's thuggish theft of the 1792 gubernatorial election from him: "A few years more will put us all in the dust," he wrote Sally; "and it will then be of more importance to me to have governed *myself* than to have governed the *State*." And early in the war, when he wrote Sally from "a hot little Room" full of "Bugs & Fleas" in "Poghkeepsy," where Congress had fled



MPI/GETTY IMAGES

On the Wall Street balcony of New York's City Hall, refurbished and renamed Federal Hall, George Washington took the oath of office as the nation's first president on April 30, 1789.

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before the British onslaught, he told her that he kept up his spirits with the "Pre-Sentiment that we shall yet enjoy many good Days together." But if this fantasy "be a Delusion" that will "like a Bubble vanish into Air, . . . a firm Persuasion of after Bliss give[s] me Consolation. Then my dear Wife shall we fear no Tyrants Power, neither shall we know Anxiety any more, and if , I cant fill up the blank, we shall again join Hands and Hearts & continue our virtuous Connection forever."

America was a brand-new democracy, and, Jay knew, "It takes time to make Sovereigns of Subjects." He believed that schools and churches could form a public-spirited civic culture alongside "the Spirit of Enterprize and adventure" that already prevailed. But these institutions could accomplish only so much, he stressed. Especially after two years in Enlightenment Paris, he had no patience with the *philosophe* notion of human perfectibility, an idea he jeered at more sarcastically the older he got. You just have to read the newspapers to know "the vanity of expecting that, from the Perfectibility of human nature and the Lights of Philosophy, the multitude will become virtuous & wise, or their Demagogues candid and honest." Advances will be real but finite: "Human knowledge and experience will doubtless continue to do good, in proportion to their extent and influence," he wrote; "but that they will ever be able to reduce the passions and prejudices of mankind to such a state of subordination to right reason as modern philosophers would persuade us, I do not believe one word of." Furthermore, the human reality means that teachers, pastors, and leaders of abilities and virtue never make permanent gains: "political like other fields require constant attention—when neglected they soon become unproductive, and fresh Weeds Briars and Thorns will gradually spring up." Even after all our labors, Jay concluded, "I do not expect that mankind will before the Millennium be what they ought to be."

With the Constitution ratified—Jay helped persuade New York's convention to sign on with a soothing "Address to the People of the State of New York" and a bare-knuckled threat that Federalist New York City would otherwise secede from the anti-Federalist state—George Washington took the oath as the nation's first president on April 30, 1789, on the balcony of the New York City Hall, where the Stamp Act Congress had met almost a quarter-century earlier, and which, renamed Federal Hall, had housed the U.S. Congress since December 1784. Around the corner at 133 Broadway, in one of the capital city's grandest houses, lived John Jay, now the father of four (with one more to come), rich (thanks to inheritance and his own New York real-estate investments), and, from September 26, 1789, the first chief justice of the United States.

It turned out to be a less glamorous job than he expected, however. With the Constitution brand-new, few issues required Supreme Court rulings: the Court's first session, with only four of the six justices present and no cases, broke up after a week, in February 1790. And then the really unglamorous part of the job began, since the justices also presided over the federal circuit courts in the states. Twice a year, they "rode circuit," so in 1791, after the nation's capital moved to Philadelphia, Jay had to travel there for his Supreme Court sessions, then return to New York for the circuit court, and press on to courts in New Haven, Massachusetts, New Hampshire, Rhode Island, and finally Vermont. He rode on horseback, often on "Roads rendered bad by Snow and Ice," he wrote Sally. "I have had so much to do with cold and wet, that I really do wish for a Respite." Thinking it improper for a judge to accept the many invitations to stay with friends on his circuit, he slept at inns that ranged from "clean" and "obliging" to "*bad*." He and Sally hated the separation: "Oh! my dr. Mr. Jay," Sally wrote, when all the kids had fevers, "shd. you too be unwell & absent from me, & I deprived of the satisfaction & consolation of attending you how wretched I shd. be!"

Jay had told Washington that he wanted the job chiefly because he thought the Court could complete his great work,

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the Treaty of Paris, by solving the British debt problem, which was now not merely keeping the redcoats stubbornly in their American forts but also stoking up red-hot anger that Jay and Washington feared could ignite a new war. So piece by piece, he chipped away at the issue on his circuit-court rounds. In Connecticut in 1791, his court overturned—as a violation of the Treaty, which was now the law of the land—a state law preventing British subjects from collecting interest due on prewar debts from Connecticut citizens, probably the first time a federal court overruled a state law on constitutional grounds. In Rhode Island the next year, he threw out a state law granting three years' delay to debtors whom a British merchant was suing, ruling that the law violated the Constitution's contract clause. In 1793, he rode the circuit that included Virginia, a state that accounted for almost half the debts to British creditors, more than 100 of whom were suing Virginians. The defendants' lawyers, Patrick Henry and John Marshall, put on "one of the most brilliant exhibitions ever witnessed at the Bar of Virginia," one observer exclaimed. But they lost. The court ruled that the Declaration of Independence didn't cancel debts to Britons and that a Virginia law shielding debtors was an unconstitutional violation of the Treaty of Paris.

But just when John Jay, Patrick Henry, and John Marshall were performing their drama in a Richmond courtroom, "the astonishing Tragedy which the French Revolution has introduced on the Theatre of the World," as Jay termed it, had raised the curtain on its darkest act, with the beheading of Louis XVI in January 1793 and France's declaration of war against England the next month. For all Jay's efforts to resolve the debt issue, the Revolution stirred up the smoldering anger between Britain and America to explosive rage.

The British believed that America planned to join her old ally, France, in the war against them. And with good reason, for in April, Revolutionary France's envoy, Edmond Genêt, arrived in America with instructions to make that alliance happen. Pro-French "Democratic Societies" immediately sprang up among Republicans (as the anti-Federalists now called themselves) in cities across America, proclaiming the French Revolution the latest advance in human freedom and feting "Citizen" Genêt with public dinners wherever he went. "He who is an enemy to the French revolution cannot be a firm republican," the New York society declared, and should therefore be barred from public office. In Philadelphia, a pro-French crowd chanted hymns and swore loyalty at an "altar of Liberty." Genêt began commissioning American privateers to prey upon British shipping from U.S. ports, a gross provocation of British retaliation against America and a blatant violation of the neutrality that America had just declared and that Genêt had publicly dismissed. In May, an outraged Jay told a grand jury that "the subjects of belligerent powers are bound while in this country to respect the neutrality of it, and are punishable . . . for violations of it."

Duly provoked, Britain responded in June by declaring that it would seize the cargoes of all ships carrying grain or flour to French or French West Indian ports—a direct blow to American trade—and in November, it announced it would seize the ships as well. British naval captains began impressing American sailors into the Royal Navy, claiming that they were British nationals. Along the northern U.S. border, the eight forts the British still held turned from an irritation into a mortal threat. In February 1794, the governor of Canada made a speech denying American sovereignty over land Jay had won in the Treaty of Paris and telling the Indians along the border, who had been fighting the intermittent Northwest Indian War against the Americans for a decade, to prepare to join him in war against the United States. He ordered the lieutenant governor of Upper Canada, John Graves Simcoe, the founder of Toronto, to arm British vessels on the Great Lakes to keep U.S. ships off them. In April, he sent Simcoe, who nursed dreams of reconquering America from the north, to build Fort Miamis at Maumee, Ohio, to supply the Indians.

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That month, an alarmed and angry George Washington asked Jay to go to London on a last-ditch peace mission, to try to solve the fort and debt issues, to get compensation for seized U.S. ships and cargoes, and to reach an agreement allowing U.S. ships to trade in the Caribbean. "Nothing can be more distant from every wish on my own account," Jay wrote Sally from Philadelphia about the president's request. "I regard it as a measure not to be desired, but to be submitted to . . . . If it should please God to make me instrumental to the continuance of peace, and in preventing the effusion of blood, . . . we shall both have reason to rejoice."

"How my dr. Mr. Jay is it possible!" Sally replied. "The Utmost exertion I can make is to be silent. Excuse me if I have not philosophy or patriotism to do more." When the Senate confirmed his appointment as envoy extraordinary on April 19, Jay wrote her: "Your own Feelings will best suggest an Idea of mine. God's will be done; to Him I resign; in him I confide. Do the like. Any other philosophy applicable to this occasion is delusive."

On May 12, Jay left for London. "Farewell my best beloved!" Sally wrote in parting. "Your wife 'till Death & after that a ministring spirit."

When Jay landed a month later, he found the situation dire. The British government, he wrote Washington, clearly had "looked upon a war with us as inevitable" because of "the indiscreet Reception" America had given Genêt and because the ministry assumed that American troops fighting the Northwest Indian War would storm the British forts. That's why London had begun to seize U.S. ships and to stir up Simcoe in Canada. By August, when Jay felt he'd made enough headway to write that George III had remarked, "Well Sir: I imagine you begin to see that your mission will probably be successful," things suddenly turned sharply worse. On August 20, when U.S. general "Mad Anthony" Wayne won the last battle of the Northwest Indian War under the walls of Fort Miamis, his soldiers discovered—and hanged—several Englishmen in war paint among the captives. A furious Washington wrote Jay on August 30 that not only was Simcoe supplying the Indians with arms and supplies to carry on "their hostilities;—the murders of helpless women & innocent children along our frontiers"; he was providing "men also, in disguise" (though the men turned out to be British traders whom the Indians had conscripted, not British soldiers). If the British want peace, they'd better surrender the forts, Washington thundered; if not, "war will be inevitable."

That eventful August, Washington also declared martial law to put down the Whiskey Rebellion in western Pennsylvania—a revolt he was sure the Republican pro-French "*self-created societies*" had precipitated. Unfortunately, the British government shared his belief and feared the rebels would depose the president they trusted, take over the government, and send American troops to fight as allies of France—a belief only strengthened on August 15, when Republican James Monroe, neutral America's new envoy to France, presented an address expressing fraternity and union to the French National Convention, to which the convention's president replied with a kiss. When printed in London, where the French Reign of Terror had sparked a "dread of Jacobin Politics and Jacobin Scenes," the speech, Jay wrote Washington, "made a strong and disagreable impression."

With tempers so inflamed, Jay strove "to acquire the confidence and esteem of this government, not by improper compliances, but by that sincerity, candour, truth, and prudence which . . . will always prove to be more wise and effectual than finesse and chicane," he wrote Secretary of State Edmund Randolph from London. Long experience had taught him diplomatic patience and tact: he liked to quote a Spanish proverb that says, "We cannot catch Flies with Vinegar."

When he returned home after signing the unpopular Jay's Treaty in 1794, Jay ruefully joked that he could travel across the country by the light of burning effigies of himself.

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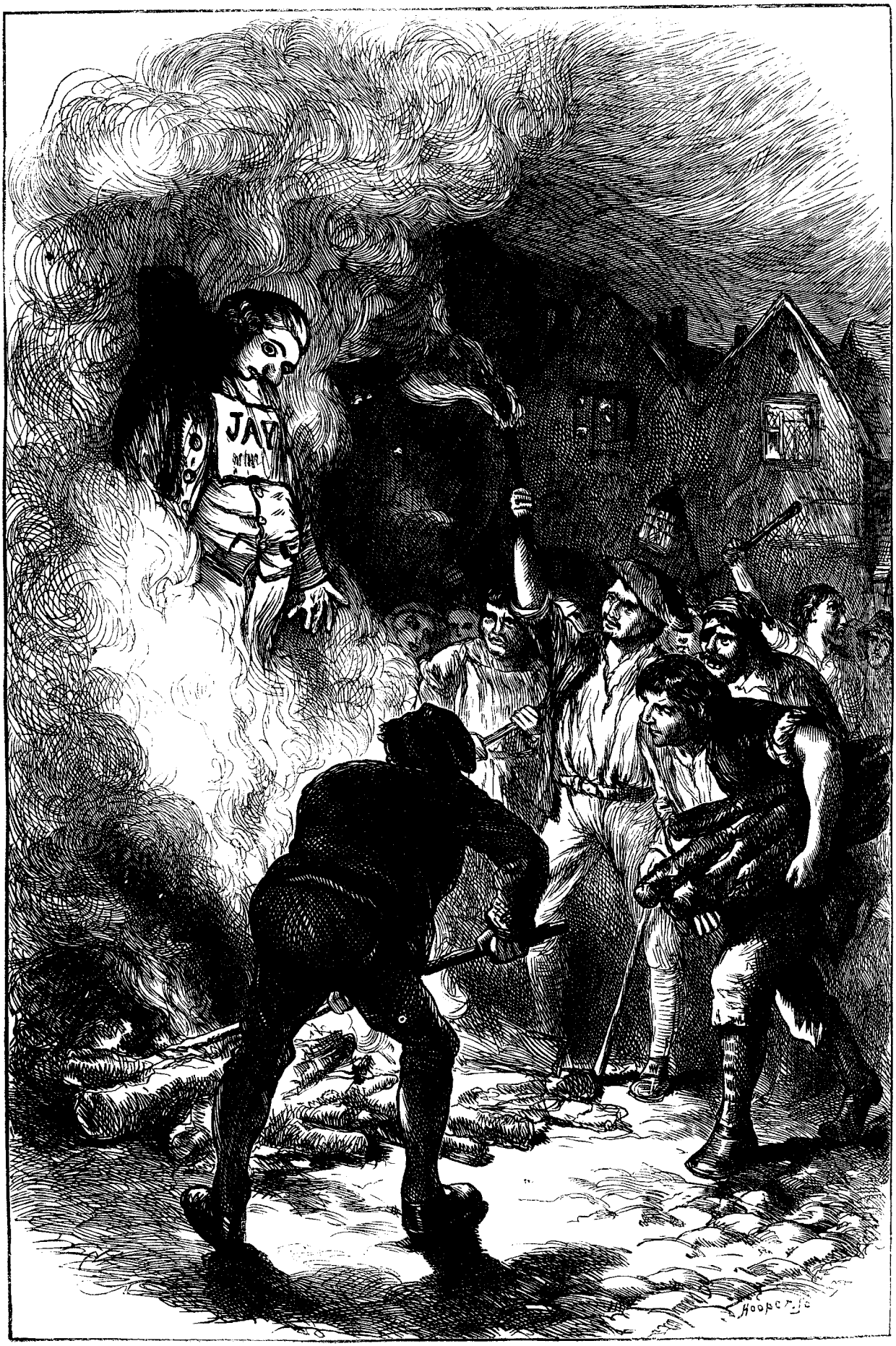

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British pride, he knew, could never stand the humiliation of admitting that the capture of U.S. ships had broken international law, though he sought compensation for those seizures. So he proposed to veil the ugly truth with a polite disguise: a joint commission of Britons and Americans would award payment for vessels taken "under colour" of royal authority—a formulation that neither admitted nor denied the legality of that authority and that ultimately produced $10.3 million in compensation. He proposed a similar commission to compensate British creditors for their American debts. In return, the foreign secretary, Lord Grenville, agreed to get all redcoats off U.S. soil by June 1796. A fervent believer in free trade, Jay strove to get American ships admitted to both the British West and East Indies. He succeeded, within strict limits as to the size and destination of U.S. ships allowed in the British West Indies trade. He and Grenville sorted out the northern U.S. boundary, very favorably to America, but only partly solved the impressment-of-seamen issue, which ultimately ignited the War of 1812—which America, with its new navy and much stronger army than it had possessed in 1794, and with no British forts on its territory, was only then in a position to win.

Jay and Grenville signed what came to be called "Jay's Treaty" on November 19, 1794. "I have no reason to believe, or conjecture, that one more favourable to us is attainable," Jay wrote of the treaty, and "we have reason to be satisfied." Outrage greeted it in America, however. Pro-French Republicans, still resentful not only of England but also of the Federalists' constitution and Hamilton's financial system, would naturally be opposed, an unsurprised Jay wrote, as would southern debtors, who hoped for a war that would finally cancel what they owed to British creditors. Moreover, he didn't even try to get compensation for slaves the British had freed and carried off. When he arrived home in May 1795, Jay joked that he could travel across the country by the light of burning effigies of himself, and he met such newspaper squibs as:

> May it please your highness, I John Jay
> Have traveled all this mighty way,
> To inquire if you, good Lord will please
> To suffer me while on my knees,
> To show all others I surpass,
> In love, by kissing of your ___.

Don't worry about it, Washington wrote: "I have little doubt of a perfect amelioration of sentiment after the present fermentation . . . has evaporated a little more. The dregs however will always remain, and the slightest motion will stir them up." By 1796, as peaceful trade began to feed a boom, Republican Benjamin Rush grumbled that the treaty, "once reprobated by nineteen twentieths of our citizens, is now approved of, or peaceably acquiesced in, by the same proportion of the people."

Once again, Jay returned from abroad to find himself unexpectedly in a new job: without campaigning, he'd been elected governor of fast-growing New York. Jay's two terms as governor of a state whose constitution he had written in 1777 left two great legacies. The first was penal reform. After hanging scores of miscreants beginning in his spymaster days, he had come to think that, while murderers deserved the death penalty, there must be a better way to punish 12 other classes of felons, who, until then, went to the gallows; and also a better way than whipping to punish lesser infractions. He proposed building "establishments for confining, employing and reforming criminals" by hard labor, and in November 1797, the state's first prison opened in Greenwich Village.

Second, as far back as 1780, Jay had written from Spain that until America abolished slavery, "her Prayers to Heaven for Liberty will be impious," and if he were a legislator, he'd introduce a bill to abolish it and "never cease moving it till it became a Law." The president of the New York Manumission Society from its founding in 1785 until he became chief justice (even though he himself still owned slaves), he carried out that vow when

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he became governor. Four times, he had a bill introduced into the state legislature for gradual abolition, until it finally passed and he signed it into law in 1799.

When Jefferson won the 1800 presidential election, Hamilton urged Jay in a slightly hysterical letter to use political legerdemain (to put it nicely) to overturn New York's vote for "an *atheist* in Religion and a *Fanatic* in politics" and bring about Adams's reelection—a letter Jay filed with the notation: "Proposing a measure . . . it wd. not become me to adopt." From the same anti-Jefferson motive, Adams renominated Jay as chief justice, writing him that "the firmest security we can have against the effects of visionary schemes or fluctuating theories, will be in a solid judiciary." But Jay had made up his mind to retire—and certainly the attractions of getting back on his horse to ride circuit again couldn't change it, so John Marshall became chief justice. When Jay's second three-year term as governor ended in June 1801, he headed for Westchester.

There he owned nearly 600 acres in Bedford that his father and his aunt had willed him out of the 5,200 acres Grandfather Van Cortlandt had bought as an investment around 1700 from Chief Katonah. (The hamlet within Bedford where Jay's farm stands now bears the chief's name.) Between 1799 and 1801, Jay enlarged for himself the small house he'd built there for his farm manager in the late 1780s. He emphatically did not want "a seat," his son William says; he wanted a plain, republican farmhouse, just like his neighbors' and like hundreds of others built by carpenters rather than architects all over the northeast in the Federal period—two stories tall, five windows across, with a full-length front porch for looking down the hill at the rural view to the south. He now wanted no "useless display" like the grand house at 133 Broadway, "which serves only to please other people's eyes, while it too often excites their envy."

The only difference about his house was that it was bigger than most, with 12 spacious but cozy rooms (excluding hallways, cellar storerooms, and servants' garrets); it had two little wings, for his study and a kitchen, with their own doors to the porch; and it was built like a battleship. Along with simplicity, Jay wanted quality and spared no expense for the best materials. A religious friend who visited while he was enlarging the house remarked that "all his conduct seemed to have reference to perpetuity in this world and eternity in the next," William recalls. In this spirit, while riding circuit in 1792, he had sent his son Peter Augustus some mulberry seeds to plant. "My father planted many trees," he wrote in the accompanying letter, "and I never walk in their shade without deriving additional pleasure from that circumstance; the time will come when you will probably experience similar emotions."

All his furniture breathes the same republican gentleman's solid simplicity: his unadorned, indestructible traveling barrister's mahogany and glass-doored bookcases that unstack for easy transport; his mahogany Sheraton chest of drawers with its sober, subtle oval inlays; and especially those magnificent mahogany dining-room chairs that James Fenimore Cooper sat in, with their slender vertical-slat backs fanned out just enough to be elegantly, if severely, stylish, their edges carved with just enough plain molding to show that a cabinetmaker, not a carpenter, made them—and so skillfully that, even though Jay's descendants used them well past the middle of the twentieth century, not a joint is loose.

Mementos of his career are everywhere. In the hall hang engravings that his former secretary John Trumbull gave him of two of his Revolutionary War paintings; in his study stand the desk he used as chief justice and three of the armchairs made for the original Senate Chamber of New York's Federal Hall and given to Jay as a souvenir when he retired.

Not just a Founding Father but a family patriarch as well, he surrounded himself with portraits of his ancestors, his children, and his friends. The works and brass dial of his father's grandfather clock, its case broken in a move, now tick in a replacement case Jay had

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made—plain and mahogany. He kept the certificate, signed in 1686 by James II's colonial governor of New York, Lord Limerick, that allowed his immigrant grandfather to live and work there. The four generations of descendants who lived there after Jay were equally reverent, carefully preserving their eminent forebear's relics and enlarging the house (with modern plumbing, too) toward the back without erasing the original structure.

Jay and his middle daughter, Ann, 17, moved into the house in the summer of 1801 to supervise the remodeling's finishing touches. Sally, ailing after a slight stroke in December 1800, had been taking the waters in upstate New York and staying with relatives to avoid the construction noise and dust. "Oh my dear Mr. Jay! The distance that separates us is too, too great," she wrote from her sister Kitty's house up the Hudson—as she had so often written before. When she traveled south to Jay's childhood house at Rye, where his brother Peter lived, she wrote, "I have been rendered very happy by the company of our dear children but could we have been *All together* it would have heightened the satisfaction." By December 2, 1801, she was in the new house, writing her newly married daughter Maria that, with the unusually mild weather, "Ann is at this moment in the garden planting peach-stones." In May 1802, she wrote assuring Maria "that my health & appetite increases daily & that I really & truly feel very well indeed." That was the last letter Maria had from her mother: she died suddenly on May 28, aged 45, with her husband at her side. Jay led his children into the next room and read them from Corinthians: "Behold, I show you a mystery; We shall not all sleep, but we shall all be changed, in a moment, in the twinkling of an eye, at the last trump: for the trumpet shall sound, and the dead shall be raised incorruptible, and we shall be changed."

Jay wrote no letters for a long time. In January 1803, he wrote Rufus King, then U.S. envoy in London, of Sally's "long and painful Illness, and (when she appeared to be fast recovering) her unexpected Death." But he had a house and farm to finish and improve, and children to care for. "My Expectations from Retiremt. have not been disappointed, and had Mrs. Jay continued with me, I should deem this the most agreeable part of my life," he told King. "Many Blessings yet remain and I enjoy them."

He was up at dawn, in the saddle before breakfast on a horse whose grandmother his father had given him in 1765 and whose mother he then rode. Outdoors most of the day, he supervised improvements, crops, and cider-, grist-, and saw-mills. He presided over morning and evening worship with his family and servants, and carefully annotated his prayer book with the appropriate prayers for specific days. He expanded his landholdings to about 750 acres and corresponded with British agricultural innovators on advances in scientific farming. He rarely commented on politics or visited New York City, once letting eight years pass without a trip to town. "A stranger might have resided with him for months together, without discovering from his conversation that he had ever been employed in the service of his country," writes William, who came to live with him in the house at Bedford in 1809, raised six children there, and helped his father turn the farm into a profitable dairy operation, while also founding the Bible Society and becoming a prominent abolitionist.

"The burden of time I have not experienced," Jay wrote, adding that he enjoyed "frequent conversations with the 'mighty dead,' who, in a certain sense, live in their works." Christian stoic that he was, he most often turned to the Bible and to Cicero, that beguiling conversationalist who loved virtue, revered private property, hated taxation and tyranny, and brought Greek stoic philosophy to Rome and to posterity. Like his fellow lawyer-statesman Jay, he understood that in a world of adversity, injustice, and suffering, where one must often "choose the least among evils," one must live according to "the moral law which nature itself has ordained" and that philosophers have painstakingly elucidated, in order to better "the

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When he built his retirement house in what is now Katonah, New York, between 1799 and 1801, Jay wanted republican simplicity, not "useless display."

human community" and feel whole and decent in one's "own soul, which is the most godlike thing that God has given to man." Along with that bracing doctrine, Jay also had his belief in the afterlife. Two years after Sally's death, that Christian stoicism illuminates his condolence letter on the death of his friend Alexander Hamilton to Hamilton's father-in-law, Jay's old and dear friend, Philip Schuyler: "The philosophic topics of consolation are familiar to you," he wrote, "and we all know from experience how little relief is to be derived from them. May the Author and only Giver of consolation be and remain with you."

As his 28 years of temperate and contented retirement reached their halfway mark, his worldview had grown, if anything, more wry. His health was better than a year ago, he wrote a friend, "so that at present, there is some Prospect of my living to see further Proofs of the Perfectibility of human nature by modern Philosophers, and of the increased Illumination of this age of Reason." On May 17, 1829, at the age of 83, he died, as perfect in virtue as human imperfection allows.

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Oh, to be in England

The Galbraith Revival

Theodore Dalrymple

The aristocratic economist's big-government ideas are back in vogue.

A Canadian university recently asked me to deliver its annual John Kenneth Galbraith Lecture, named for the economist who for much of my youth was the most famous member of his profession in the world. His books sold by the million and were available everywhere in cheap paperback editions; titles such as *American Capitalism* and *The Affluent Society* were known to almost all educated people. A teacher at Princeton, Cambridge, and Harvard, he was the editor for a time of *Fortune* and the American ambassador to India. He was also the first economist to be widely known on television, not least through his sparring with William F. Buckley, Jr. (a close personal friend). His omnipresence as the voice of economics was both the result and the cause of a whole climate of opinion.

As is commonly the way, a reaction set in. Galbraith, who lived from 1908 to 2006, grew not only old, but old hat. His Keynesianism appeared outmoded in an era of unprecedented growth and prosperity apparently brought about by adherence to economic theories very different from his. No one believed any longer that demand management—the governmental regulation and, if necessary, provision of the demand for goods and services within the whole economy—was the way to combine prosperity with social justice. Rather, the market's invisible hand and unconscious wisdom would lead us into the sunny uplands of expanding wealth and diminishing poverty.

But recently, there has been a reaction to the reaction. No sooner had Lehman Brothers collapsed than the printing presses started to roll out copies of Galbraith's book on the debacle of 1929, *The Great Crash*. In fact, it couldn't be printed fast enough, paperback books being affordable even in times of crisis. Galbraith was the hero of a recent PBS documentary extolling the value of big government. And demand management à la Galbraith is now back with a vengeance, of course. If the improvidently indebted but now impecunious private citizen won't spend and thereby expand economic activity, the improvidently indebted but infinitely expandable government will do it for him.

At the beginning of a lecture named for a past notable, it is customary to extol him, even if the lecturer cannot entirely subscribe to the ideas of that notable; and this, it seems to me, is a civilized custom. Few people (save out-and-out monsters, of whom there are few) are entirely without saving graces, and, a fortiori, this applies to those who achieve eminence in a respectable field. It is surely an excellent moral exercise to dwell, at least for a time, on the sterling qualities of those with whom we disagree.

What, then, did I find to praise in Galbraith? In the first place, his personal example, which is encouraging for someone like me who has entered the later stages of his life. Galbraith wrote *The Economics of Innocent Fraud* when he was 96. That was the last of the approximately 50 books that he wrote, and he wrote them clearly, never giving the impression of wanting to be thought clever because of the difficulty of what he had to say. He did not believe that understanding economic reality required arcane mathematical formulas. His explanations of many economic phenomena came richly laced with commonsense psychology, which is to say that he did not lose sight of the fact that economics is, at base, a humanity. He repeatedly stated that one or two simple principles were not sufficient to understand the shifting nature of reality, which required flexibility of

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John Kenneth Galbraith at the Ritz Hotel in 1966

mind rather than rigid adherence to abstractions.

In particular, Galbraith did not believe in the simpleminded classical economic model in which a large number of individual actors compete with perfect autonomy in a marketplace, succeeding or failing according to their ability to satisfy customers' wishes. This model, said Galbraith, broke down because of the sheer complexity of modern economic existence, in which markets are often rigged or regulated. If the classical model was ever right, that time is long past.

Further, Galbraith pointed out (though it was not a new insight, as he acknowledged) that large corporations' managers developed interests of their own and, furthermore, that their powers often came to exceed those of the stockholders who actually owned the corporations. Not maximal profit to the stockholders, but maximal advantage to themselves, was the managers' goal; in fact, the managers were bureaucrats, not entrepreneurs. The classical model was thus defunct as a reflection of reality. And perhaps more important to Galbraith was that the moral and economic superiority of private over public enterprise collapsed, for both were run by bureaucracies. Indeed, the moral relation of the two spheres was reversed: whereas the interests of the private bureaucrats were sectional, the interests of the public ones were general or universal—or at least the same as those of the

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less privileged, who needed protection from the cold winds of competition.

Galbraith's observations obviously have some strength. Before the collapse of so many financial institutions, I might have written that his comparison of business with government foundered on the fact that in business, profit and loss imposed certain disciplining limits on the inefficiency of bureaucrats. But the sight of so many executives escaping with personal fortunes from the institutions that their bad decisions ruined somewhat reduces the force of this objection.

There remains, however, an astonishingly gaping absence in Galbraith's worldview. While he is perfectly able to see the defects of businessmen—their inclination to megalomania, greed, hypocrisy, and special pleading—he is quite unable to see the same traits in government bureaucrats. It is as if he has read, and taken to heart, the work of Sinclair Lewis, but never even skimmed the work of Kafka.

For example, the chapter entitled "The Bureaucratic Syndrome" in his book *The Culture of Contentment* refers only to bureaucracy in corporations (and in the one government department he despises, the military). Galbraith appears to believe in the absurd idea that bureaucrats administer tax revenues to produce socially desirable ends without friction, waste, or mistake. It is clearly beyond the range of his thought that government action can, even with the best intentions, produce harmful effects. For Galbraith, a dollar spent on, say, public education results in a dollar's worth of educated person, virtually without deduction. Troubling evidence to the contrary—for example, the fact that Britain spends nearly $100,000 per child on public education, and yet a fifth of the population is unable to read with facility or do simple arithmetic—does not figure in his work; he always writes as if all would be well if only $200,000 were spent.

He should have known better. In his 1981 autobiography, *A Life in Our Times*, he recalls the way academics flocked to Washington at the beginning of the New Deal. "Word had . . . reached the university that a nearly unlimited number of jobs were open for economists at unbelievably high pay in the federal government," he writes. "All the new agencies needed this talent. Students who had been resisting for years the completion of theses and the resulting unemployment now finished them up in weeks. Some did not even stop to do that. So a new gold rush began." One might think that this would have opened his eyes to the vested interests of bureaucracy—to the possibility that large government programs might operate more for the interest of the apparatchiks than for that of the alleged beneficiaries. But it never did.

Nor did it change his ideas about the politics of taxation. Over and again in his work, Galbraith alludes with disdain to the resistance that the affluent mount to tax increases, insisting that they do so only out of self-interest and indifference to the fate of the poor. In *The Good Society*, for example, he writes that "the comfortably affluent resist public action for the poor because of the threat of increased taxes." It is true, of course, that the well-to-do resist tax increases in large part because they do not want to give up what they have; practically no one likes to be deprived of what he has. But in light of the "gold rush" described above by Galbraith, is it not at least equally likely that those who *propose* tax increases do so in order to increase their own power and emoluments?

Galbraith's epistemology is, in fact, neo-Marxian. Just as Marx famously wrote that "it is not the consciousness of men that determines their being but, on the contrary, their social being that determines their consciousness," Galbraith explains resistance to higher taxation thus: "It is the nature of privileged position that it develops its own political justification and often the economic and social doctrine that serves it best." In other words, men—except for Marx and Galbraith—believe what it is in their interest to believe. It is hardly surprising that Galbraith always writes as if what he says is revealed truth and counterarguments are the desperate, last-ditch efforts of the self-interested and corrupt.

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Galbraith never solved, or even appeared to notice, the mystery of how he himself could see through self-interest and arrive at disinterested truth. In general, his self-knowledge was severely limited. In the introduction to *Journey to Poland and Yugoslavia* (1958), he writes that "the publishing industry is sustained by authors who are busily plagiarizing themselves." Yet few authors of nonfiction are more repetitive than Galbraith, down to the very locutions he uses and the anecdotes he tells. To have read three books by Galbraith is to have read ten times as many. He is like the Bellman in Lewis Carroll's *The Hunting of the Snark*, using repetition as independent confirmation of the truth of what he says.

There is, of course, a deep psychological tension in Galbraith. He always talks about the rich as though he were not one of them; but the impoverished rarely spend their winters at Gstaad, Switzerland, as he did. He accepts that enrichment can be licit, no doubt thinking primarily of his own; but his enrichment came about by advocating in best-selling books the governmental expropriation of the riches of others. This enabled him to maintain his image of himself as one of the moral elect, one of those generous souls among the rich whom he describes in *The Good Society*, patrons of the poor—who themselves "are largely without political voice except as they are supported and represented by the considerable number in the more fortunate brackets who feel and express concern."

Here we reach the heart of the matter. Galbraith's thinking about social and economic matters was always de haut en bas; his solutions emerged from the Olympian heights of his own ratiocination, to be applied to the clueless multitudes below. (No doubt his own great height, over 6 foot 8, accustomed him to looking down on people.) His literary style is symptomatic of his attitude, a true case of the style being the man himself. Hundreds of times, he uses question-begging locutions that intimidate with their orotund grandeur. I open a book of his at random and find the following: "The controlling fact is"; "This trade-off is present in all accepted thought"; "Nor should one wish otherwise"; "It has now been adequately urged"; "This is not a matter of choice; it is the modern imperative"; "It would, of course, be a serious error"; "This has long been recognized"; "All of this is to be welcomed"; "The lesson is clear"; "The solution is not difficult; it has the advantage of inevitability."

The cumulative effect is to intimidate those who believe themselves not well enough informed to contradict so high an authority. We are far from the realm of Jane Austen's light and ironic "It is a truth universally acknowledged." When J. K. Galbraith enunciates a truth universally acknowledged, he does not want us to smile inwardly; he wants us to fear not being included in *le tout Paris* of correct, generous, and humane thought. What fool does not wish to be on the side of the inevitable? Who does not want to recognize what has so long been recognized? Who dares to deny that what the Paul M. Warburg Professor of Economics says three times is true?

Galbraith's egotism and condescension toward most of the human race is evident in his admiration for Franklin D. Roosevelt—or rather, in the grounds for that admiration. Here he is in the preface to *Name-Dropping*, a singularly uninformative book of reminiscences of the great whom he met: "I turn now to Franklin Roosevelt, the first and in many ways the greatest of those I encountered over a lifetime. And the one, more than incidentally, who accorded me the most responsibility." I think you would have to have a pretty tough carapace of self-regard not to recognize the absurdity of this, or to have the gall to commit it to print.

At another point, Galbraith writes that Roosevelt saw the United States "as a vast estate extended out from his family home at Hyde Park, New York. For this he had responsibility, and particularly for the citizens and workers thereon." A tree-planting program that Roosevelt initiated in the Plains states, for instance, was "the reaction of a great landlord, an obvious step to improve appearance and property values,

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a benign action for the tenantry." Galbraith meant this as praise, which is not surprising, because his own attitude toward the country was similar. The people were sheep, and government, with Galbraith as advisor, was the shepherd.

The great responsibility that Roosevelt gave Galbraith during the war was fixing the prices of products for the whole of the United States, and I think Galbraith regretted that this highly rational system of allocation according to need (as determined by him) eventually came to an end, for it was clearly, in his opinion, superior to the chaos of pricing by supply and demand. "Having stopped the sale of all new tires," he writes, "we had now to find some way of selling them again but only to the necessary and needful." The technocrat, Galbraith, comes to the aid of society, helping it define and achieve its ends. But I don't think he ever recognized that total war, in which most of national life is subordinated to a single, easily defined end—namely, defeating a powerful enemy—is not a normal state of affairs. On the contrary, he thinks that societies should always have a single goal and that it is the function of government to direct them to that goal.

Galbraith's belief in the capacity of experts to direct everybody better than they could direct themselves was no doubt what made him sympathetic to, or at least uncritical of, Communism. He was always disparaging about the danger of Communism—for example, arguing that it posed no real threat to the Third World because Marx had believed that it would come first to advanced industrial societies. I do not think that the people of Cambodia or Ethiopia, where Communism was responsible for the deaths of millions, would have taken his doctrinal literalism kindly.

In the preface to *Journey to Poland and Yugoslavia*, the first of Galbraith's books about his travels in the Communist world, he argues that "far more problems in economic behavior are common to capitalist and socialist or Communist countries than we commonly allow ourselves to suppose." In a lecture printed as an appendix, he explains why the differences between the two systems are not great: in a typical capitalist country, "the industrial corporation is now headed by a professional executive who has made his way up through the managerial hierarchy in a manner not greatly different from the way an energetic and ambitious man makes his way up through the civil service." A man who has devoted his life to the study of economics—and occupies one of the most prestigious chairs in the subject in the world—does not appear to understand that the existence of thousands of corporations, as well as the possibility of starting new ones, introduces a significant difference from a situation in which there is a single employer under very tight political control.

The main function of what Galbraith writes is to minimize the horrors of Communism, upon which he has hardly a word. Indeed, strict political control never intrudes much on his consciousness when he is in the Communist world. "I have generally avoided quoting by name my Polish . . . sources in this account," he writes. "This is not because I have any great fear of compromising them. Many people . . . take no small pride in speaking plainly and do so without evident restraint."

Other priceless observations follow. Noticing the drabness with which people are dressed, Galbraith remarks that it "may be the problem of socialism. Planners can provide for everything but color, and they cannot allow for that because so much of it is associated with idiocy great and small. In any case, the people of Poland have more liberty than variety." One of the great advantages of Galbraith-style planning is the elimination of "idiocy great and small," of the kind that people are apt to embrace when they have the choice. The solution: eliminate choice. You can have any color you like, so long as it's chosen by the philosopher-king.

Fifteen years later, in 1973, Galbraith went to China—in the slipstream of President Nixon, as it were—and wrote *A China Passage*. This was in the middle of the Cultural Revolution, in which perhaps

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a million people died and tens of millions were horribly persecuted, and only a few years after the greatest man-made famine in human history. Nevertheless, Galbraith quotes the Sinologist John K. Fairbanks, who wrote as if he had learned his style directly from Galbraith himself: "The big generalizations are all agreed upon: There has been a tremendous betterment of the material life and morale of the common people."

In light of the appalling suffering of the Cultural Revolution, Galbraith's remarks often seem extremely callous. Time and again, he offers vignettes of the Cultural Revolution like this one: "The workers were rather proud of having confined their fighting to the morning. . . . Sadly some windows did get broken." Thus Galbraith discusses the greatest episode of deliberate cultural vandalism of modern history, accompanied as it was by human cruelty on a gargantuan scale.

Sometimes he sounds like a mouthpiece of Maoist propaganda, accepting its categories uncritically. In the 1920s and 30s, sheeplike Western travelers in Stalinist Russia had accepted its category of "kulak," or rich peasant, to describe a peasant who owned a pig or a cow and was therefore a class enemy deserving the supreme penalty. Similarly, Galbraith can write about a factory that "had been partially disrupted until the People's Liberation Army moved in to restore order. The union I gather to have been one of the reactionary elements that . . . aroused the antipathy of the Red Guards. It was disestablished." This use of the phrase "reactionary elements" betrays a startling lack of awareness that visitors to the Communist world had been gulled before. Nor was Galbraith interested in who the Red Guards were or what they actually did. The fate of individual people was far beneath his notice, which explains why his anecdotes are so rarely interesting, let alone illuminating. His is a humanitarianism without a human face.

Later, Galbraith tells a story about how the Chinese farmed areas of low fertility: "We were told how one production brigade had transported soil for many miles to make one peculiarly rocky spread slightly productive." According to Galbraith, the decline in agriculture in New England would not have taken place if politicians rather than market forces had been in charge. The moral of the story for Galbraith? "The market can be ruthless as politicians cannot." That market relations can sometimes exact a human price is no doubt true; but to have lived through the first three-quarters of the twentieth century, and to suggest that there is any cruelty and depravity of which politicians are not capable, requires a capacity for incomprehension amounting almost to genius.

Let it not be said, however, that Galbraith was entirely uncritical of China during the Cultural Revolution. "At the close of almost every meeting one is asked for 'your criticisms' of the institution or the New China," he recounts. "I've found one that is true, irrefutable and well-received. 'You are smoking far too many cigarettes.'" Millions of people beaten, tortured, and humiliated, the remains of a millennial civilization wantonly smashed, and Galbraith bravely takes up the antismoking cause!

Of course, it would have been rude to criticize those who looked after Galbraith and his modest wants. "I have a bedroom, sitting room, bathroom and air conditioning," he discovers when he arrives at the Nanking Hotel. "But that," he adds with touching simplicity and modesty, "is sufficient"; until, that is, he arrives in Paris, having suffered such deprivation in Nanking. "I was two days at the Ritz with no grievous sense of social guilt, no insuperable problem of culture shock," he writes.

Galbraith has come back into fashion: not only his ideas, which imply the need for a huge and expanding class of redemptory politicians and bureaucrats to save people from a fate that would be wretched without them, but his aristocratic assumption of unchallengeable moral superiority, written in his prose as it appears to be written on President Obama's face. How delightful to be so generous, so very right all the time, and yet make a fortune and stay at the Ritz!

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Letters

Hey, Big Spender

To the editor:

William Voegeli picks on California at a moment when it's down because of the economic collapse and praises Texas at a moment when oil prices are double what they were just a few years ago ["The Big-Spending, High-Taxing, Lousy-Services Paradigm," Autumn 2009]. And he fails to mention that Californians make over $11,000 more per capita than Texans do. Considering that Californians pay only about $1,000 extra in taxes, that's quite a deal!

Chris
Wilmington, DE

To the editor:

Couldn't it be that California has more generous transfer payments to government dependents and thus attracts more nonproductive citizens from other states, to its detriment? Some might say that this provides an incentive for more states to adopt Texas-like policies, but from a national perspective, isn't it a zero-sum game? If all states adopted Texas policies, Texas would be worse off, as it could no longer fob off its unfortunates on other states while attracting the most productive citizens. Is Texas not, to some extent, a free rider—in the sense that it's not taking responsibility for its own unfortunates, while it pursues harsh social policies, safe in the knowledge that other states will pick up the pieces?

Will Truth
London, United Kingdom

William Voegeli responds:

There's little prospect that Will Truth's thought experiment, in which all 50 states have the same regulatory, tax, and spending policies, will ever come to pass. One thing that uniform state policies would represent is a national consensus, of the sort that in 1996 led a Democratic president to sign into law a Republican initiative to "end welfare as we know it." Texas's policies are far closer to that consensus than California's.

Chris from Wilmington is partly right. According to the Census Bureau, the median income for households of *all* sizes for 2006–08 was $57,988 in California, which *is* $11,135 more than the Texas median of $46,853. In 2007, California's per-capita revenues from all taxes and "current charges"—bus fares, trash fees, public university tuition, etc.—were $6,134. In Texas, they were $4,447. That's a difference of $1,687 per person, or $6,748 for a family of four. In 2008, the median income for a family of four was $79,477 in California and $66,381 in Texas—a difference of $13,096.

This sounds like "quite a deal" to Chris—after all, the California family *does* still have more money to spend, even after all the charges. It's all the more puzzling, then, that Texas's population grew twice as fast as the rest of the country's between 1992 and 2007 (before the current recession started), while California's grew at the same rate as the rest of the country's, despite an enormous influx of immigrants, legal and illegal. My article put forward one possible explanation: California's quality of life, of which the quality of public services is a large part, has declined so much that large and growing numbers of families are happy to forgo the state's income premium in order to live outside it. A second, compatible, explanation is that what's left of the California income premium after taxes and fees is absorbed by higher housing costs, owing to the artificial scarcity created by California's land-use regulations, which economist Edward Glaeser describes as among the most restrictive in the country.

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Chef X's Brigades

Michael Anton

"Michael, what is the difference between glacé and étuvé?" The voice belongs to Chef X, and the question is directed at me.

"Sugar!" I announce, trying not to look up, lest I lose a digit.

"Which one has the sugar?"

"Um . . ."

It is only Day Two of Culinary Techniques at the French Culinary Institute at Broadway and Grand, yet the Marine-drill-sergeant routine has already begun. My fellow students and I are not even in the professional program. We are amateurs, dedicating 22 Saturdays to learning classic French cooking in a real school that trains real chefs. We receive no quarter. As we learned on the first day, cooks in a professional kitchen have been called a "brigade" since the time of Auguste Escoffier, the great French chef who systematized centuries of culinary tradition. The military connotation is no accident. There is a strict hierarchy and chain of command.

Part of the experience, apparently, is answering rapid-fire queries about information you may have learned scarcely an hour earlier. Chef X directs these salvos, seemingly at random, at anyone he wishes to torture at the moment. You may have a knife poised over your brachial artery, but by Carême, you had better answer—correctly.

Chef X—for Xavier—was born and trained in France and has worked in some of Manhattan's top restaurants, including the legendary La Côte Basque. What's he doing spending his Saturdays teaching amateurs? "The school asked me to do this. I never taught an amateur class before. They said I had to go easy on you. I'll try." Probably he did try, but that didn't prevent him from becoming a legend at the FCI. One morning, he sent me down to the storeroom for extra ingredients, and on the way back up, I overheard one career student lament to another, "On my way to get yelled at by Xavier." (He pronounced it "egg-ZAY-vee-air.")

Chef X didn't yell at us amateurs much, but we exasperated him a lot. It's not that we weren't any good (though we weren't); he could accept our incompetence. It's that he thought we were lazy. "Once I teach you something, you *know* it. I don't want to explain over and over. Study your books. Write everything down on three-by-five cards. Memorize. When I say, 'Cut into julienne,' you *know*. Don't ask."

But we did ask. Over and over. One way he got back at us was to bark more questions. "What are those cracked peppercorns called?" he asked another student. No answer. "Come on!"

"Mirepoix?" Mirepoix is a combination of chopped vegetables—typically carrot, onion, and celery.

"You put mirepoix in béarnaise? I don't know what planet you are living on."

The correct answer was mignonette.

But the class wasn't just a cooking quiz show. It was a serious course of hands-on instruction. We learned, or rather Chef X attempted to teach us, to make all the basics of French cooking, dishes—from onion soup to demi-glace to puff pastry to steak frites to Lobster à l'Américaine—hardly seen in haute cuisine any more but variations on which still form the foundation of the restaurant repertoire. This was emphatically not health food. "Salt is good! Butter is good! Cream is good!" were among Chef X's maxims.

Still more important than the recipes were the core techniques that we practiced, mastery of which will, in theory, enable any cook to make anything. "Practice" being the operative word. Learning to cook well is like learning to play an instrument. If you don't hone your skills with numbing repetition, you won't get anywhere. Chef X would often ask what we had done at home during the previous week. I always made sure to have something to report, if only to be spared his evident contempt.

Chef X's truculence served us—or at least me—well. I saw no point in paying to be coddled. After 22 weeks, I am hardly ready for the hot line at Le Bernardin, but dinner at home has gotten a lot better. Glacé, by the way, is the one that uses sugar. It's right here on my three-by-five card.

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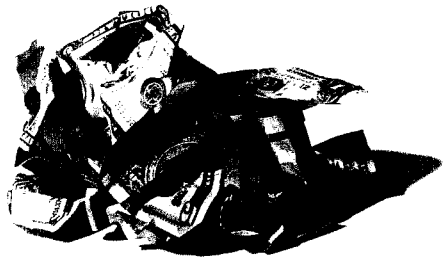

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